

# JOURNAL

OF THE

SESSION OF 1865-6,

OF

THE SENATE

OF THE

STATE OF ALABAMA.

IN

THE CITY OF MONTGOMERY,

Commencing on the ~~1st~~ Monday in November, 1865.

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WITH AN INDEX,  
PREPARED BY THE SECRETARY OF STATE.

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MONTGOMERY, ALA.:  
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1866.

# JOURNAL.

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MONTGOMERY, ALABAMA, }  
NOVEMBER 20th, 1865. }

Be it remembered, that this being the third Monday of November, A. D. 1865, it being the day set apart and fixed by a convention of the people of the State of Alabama, begun and held in the City of Montgomery, on the 12th day of September A. D., 1865, for the meeting of the General Assembly of the State of Alabama. In pursuance whereof, the Senate Assembled in the Senate Chamber, at the State Capitol, at the hour 12 o'clock, m.

Mr. Moran, of Perry and Bibb, called the Senate to order and, on his motion, Mr. Garrett, of Coosa, was appointed President, *pro tem.*, and Michael Taul, of Talladega, Secretary.

Upon the call of the districts, the following Senators present, to-wit:

1. Mobile—C. P. Gage.
2. Baldwin, Monroe and Clarke—
3. Coffee, Covington and Conecuh—Wm. A. Ashley.
4. Dale and Henry—Wm. H. Wood.
5. Barbour—A. C. Mitchell.
6. Pike—E. B. Wilkerson.
7. Russell—J. W. Castens.
8. Macon—R. H. Powell.
9. Montgomery and Autauga—A. C. Felder.
10. Dallas and Wilcox—A. B. Cooper.
11. Sumter and Choctaw—J. T. Foster.
12. Greene and Marengo—
13. Perry and Bibb—E. H. Moren.
14. Lowndes and Butler—W. H. Crenshaw.
15. Coosa—Wm. Garrett.
16. Tallapoosa—A. H. Slaughter.
17. Chambers—W. H. Barnes.
18. Randolph—M. R. Bell.
19. Talladega—Jas. Montgomery.

20. Calhoun—W. H. Forney.
21. Jefferson and Shelby—G. T. Deason.
22. Tuscaloosa—
23. Pickens—M. L. Stansel.
24. Marion and Fayette—
25. Franklin—R. B. Lindsay.
26. Lawrence, Winston and Walker—F. W. Sykes
27. Blount and St. Clair—W. H. Edwards.
28. Cherokee—A. L. Woodliff.
29. Marshall and DeKalb—Wm. O. Winston.
30. Jackson—J. H. Norwood.
31. Madison—Jno. W. Drake.
32. Limestone and Morgan—J. M. Jackson.
33. Lauderdale—

The oath of office was administered to the Senators present by the Hon. W. H. Fellows, Chancellor of the Middle Chancery Division, and they took their seats, and the Senate proceeded to business.

The first thing in order being the election of a President, Jno. W. Drake placed in nomination the name of Walter H. Crenshaw.

No other name being in nomination, and Mr. Crenshaw having received twenty-seven votes, it being all the votes cast, was duly elected President of the Senate, for the term prescribed by the constitution.

Upon the motion of Mr. Warren, a committee of three was raised upon Mr. Crenshaw, and inform him of his election, and bring him to the chair.

Mr. Warren, Drake, and Powell of Macon, were appointed committee.

The committee retired, and, after a short time, returned and brought the President elect to the chair, to whom the oath of office was administered by Mr. Cooper of Wilcox. The President took his seat, and entered upon the discharge of the duties of his office.

The Senate proceeded to the election of a Principal Secretary. J. M. Montgomery placed in nomination the name of Micah H. Bladega.

Mr. Bladega alone being in nomination, and having received all the votes cast, the President declared him duly elected Secretary of the Senate for the term prescribed by law. He was qualified and entered upon the discharge of the duties of his office.

The Senate proceeded to the election of the Assistant Sec-

Mr. Moren placed in nomination the name of W. H. Garrett, of Coosa county.

Mr. Edwards placed in nomination the name of W. L. Cain, of Cherokee county.

Those who voted for Mr. Garrett are :

Messrs. President, Barnes, Castens, Cooper, Deason, Drake, Felder, Foster, Gage, Garrett, Lindsay, Mitchell, Montgomery, Moren, Powell of Macon, Slaughter, Stansel, Sykes, Wilkerson, Winston and Wood—21.

Those who voted for Mr. Cain are :

Messrs. Ashley, Edwards, Forney, Jackson of Morgan, Norwood and Woodliff—6.

Mr. Garrett having received twenty-one votes, it being a majority of all the votes cast, the President declared him duly elected Assistant Secretary of the Senate for the term prescribed by law.

Mr. Garrett was qualified, and entered upon the discharge of the duties of his office.

The Senate next proceeded to the election of a doorkeeper.

Mr. Garrett placed in nomination the names of Samuel W. Hutchinson and Francis Frederick.

Mr. Ashley placed in nomination the name of W. W. Cook.

Those who voted for Mr. Hutchinson are :

Messrs. Barnes, Castens, Cooper, Deason, Drake, Edwards, Felder, Forney, Foster, Garrett, Jackson of Morgan, Lindsay, Mitchell, Moren, Norwood, Powell of Macon, Slaughter, Wilkerson and Woodliff—19.

Those who voted for Mr. Cook are :

Messrs. President, Ashley, Gage, Montgomery, Stansel, Winston and Wood—7.

Mr. Hutchinson having received nineteen votes, it being a majority of all the votes cast, the President declared him duly elected doorkeeper for the term prescribed by law.

On motion of Mr. Ashley :

*Resolved*, That the House of Representatives be informed that the Senate has organized by the election of

Hon. Walter H. Crenshaw of Lowndes and Butler, President.

Micah Taul of Talladega, principal Secretary.

W. H. Garrett of Coosa, assistant Secretary.

Samuel W. Hutchinson of Autauga, Door-Keeper, and is now ready to proceed to business.

Mr. Foster offered the following resolution—

*Resolved*, That the rules of the last session of the Senate be adopted for the government of the Senate, at the present session, until otherwise ordered.

On motion of Mr. Moren :



The consideration of the resolution was postponed until tomorrow.

On motion by Mr. Sykes :

*Resolved*, That a committee of three be appointed on the part of the Senate to act with a like committee on the part of the House of Representatives, to wait upon the Provisional Governor, and inform him that the two Houses of the General Assembly are now organized and ready to receive any communication he may have to make.

Messrs. Sykes, Powell of Maccn, and Ashley, were appointed the committee.

On motion by Mr. Garrett :

*Resolved*, That newspaper reporters be admitted within the bar of the Senate.

Mr. Garrett offered the following resolution :

*Resolved*, That the committee on the State Capitol, when raised, be directed to procure the necessary furniture for the Senate chamber.

The consideration of the resolution was postponed until tomorrow.

On motion by Mr. Garrett :

*Resolved*, That the President appoint the following standing committees for the present Senate :

A Committee on the Judiciary.

A Committee on Privileges and Elections.

A Committee on Propositions and Grievances.

A Committee on 16th Sections and 16th Section Funds.

A Committee on Education.

A Committee on Accounts and Claims.

A Committee on Agriculture.

A Committee on State Printing.

A Committee on Military Affairs.

A Committee on the State Capitol.

A Committee on Internal Improvements.

A Committee on Banks and Banking.

A Committee on Federal Relations.

A Committee on Retrenchment.

A Committee on the Penitentiary.

A Committee on County Boundaries.

A Committee on Roads, Bridges and Ferries.

A Committee on Enrolled Bills.

A Committee on Finance and Taxation.

A Committee on Corporations.

A Committee on Insane Hospital and Deaf and Dumb Asylum.

A Committee on Rules of the Senate.

Message from the House by its Clerk, Mr. Fowler:--

*Mr. President :*

The House of Representatives has adopted the following resolution :

*Resolved*, That the Senate be informed that the House of Representatives has organized by the election of—

Hon. Thos. B. Cooper, of Cherokee, Speaker ;

W. H. Fowler, of Greene, Chief Clerk ;

T. Clanton, of Montgomery, Assistant Clerk ;

Thos. Taylor, of Montgomery, Engrossing Clerk ;

Robt. C. Clark, of Coosa, Door Keeper ;

And are now ready to proceed to business.

The House concurs in the resolution of the Senate, appointing a joint committee to wait upon the Provisional Governor and inform him of the organization of the two Houses, Messrs. Bethea, Moore of Coffee and Gafford, Committee on part of House of Representatives.

W. H. FOWLER, Clerk.

The Senate then adjourned until to-morrow morning, ten o'clock.

TUESDAY, November 21.

The Senate met pursuant to adjournment.

James Jackson, Senator elect from the district composed of the county of Lauderdale ;

C. C. Huckabee, Senator elect from the district composed of the counties of Greene and Marengo ;

E. P. Jones, Senator elect from the district composed of the counties of Marion and Fayette, and

E. A. Powell, Senator elect from the district composed of the county of Tuscaloosa—

Appeared within the bar of the Senate, were qualified by Hon. W. H. Fellows, Chancellor for the Middle Chancery Division of Alabama, and took their seats.

Mr. Powell, of Macon, offered the following resolutions :

1st. *Resolved*, That a special committee of seven be raised, whose duty it shall be to report such legislation as may be necessary to control, with the greatest possible efficiency, the labor of the freedmen of this State, with leave to report by bill or otherwise.

2d. *Resolved*, That the said committee, in maturing the system of laws and regulations above specified, are hereby instructed so to adapt it to the changed condition of this class of our population as will protect the "Freedmen" of this State in the full enjoyment of all their rights of person and property,

and guard them and the State against any evils that may arise from their sudden emancipation.

3d. *Resolved*, That all propositions in relation to the labor of Freedmen, and the proper regulations thereof, be referred to this special committee.

Mr. Foster offered the following as a substitute :

*Resolved*, That the President appoint a standing committee of nine on Freedmen.

The substitute was adopted, and the resolution as amended adopted.

On motion of Mr. Garrett :

*Resolved*, That a committee be appointed to secure the attendance of such ministers of the several churches of this city as may be willing to attend, that the sessions of the Senate may be opened with prayer.

Messrs. Felder, Foster and Mitchell were appointed the committee.

On motion of Mr. Deason :

*Resolved*, That the doorkeeper be authorized to procure a page for the use of the Senate.

Mr. Sykes, from the joint committee appointed to wait on the Provisional Governor and inform him of the organization of the two Houses, reported that the Governor would communicate by message to the two Houses on to-morrow.

Mr. Stansel introduced a bill to authorize presiding judges at special terms of the Circuit Court to organize Grand Juries:

Which was read twice under a suspension of the constitutional rule, and referred to the Committee on the Judiciary.

On motion of Mr. Moren :

*Resolved*, (the House concurring,) That the two Houses of the General Assembly will convene in the hall of the House of Representatives on to-morrow at 12 o'clock m. for the purpose of electing a State Printer.

The Senate proceeded to consider the following resolution, which was postponed on yesterday, to-wit :

*Resolved*, That the committee on the State Capitol be directed to procure the necessary furniture for the Senate chamber.

Mr. Lindsay offered the following as a substitute :

*Resolved*, That the Committee on the State Capitol be instructed to ascertain and report as soon as practicable to the Senate, what furniture is indispensably necessary to the comfort and convenience of the Senate Chamber and the approximate cost thereof.

On motion of Mr. Garrett, the substitute was laid on the table.

The resolution was adopted.

Message from the House by Mr. Fowler.

*Mr. President :*

The House has originated and passed a bill to appropriate money to pay the expenses of the present General Asssmbly.

W. H. FOWLER, Clerk.

The bill was read twice under a suspension of the constitutional rule and referred to the Committee on Finance and Taxation.

The Senate proceeded to the consideration of the resolution postponed on yesterday, adopting the rules of the last Senate as the rules for the present Senate.

The resolution was amended by adding thereto the following: "And that the said rules of the Senate be amended by striking out the words 'Confederate States' and inserting the words 'United States;' and as amended, the resolution was adopted.

On motion by Mr. Foster, the Senate adjourned until to-morrow morning 10½ o'clock.

WEDNESDAY, November 22.

The Senate met pursuant to adjournment.

Mr. Kilpatrick, Senator elect from the district composed of the counties of Monroe, Baldwin and Clarke, appeared within the bar of the Senate, was qualified by the Hon. W. H. Fellows, Chancellor for the Middle Chancery Division of Alabama, and took his seat.

Message from the House by Mr. Clanton :

*Mr. President :*

The House concurred in the resolution of the Senate to proceed to the election of State printer, on this day, at twelve o'clock, m.

The House has passed the following resolution :

*Resolved*, That, with the consent of the Senate, a select committee of five be appointed to act with a like committee on the part of the Senate, to which all bills and resolutions originating in either House in relation to freedmen of this State, and for their protection in the full enjoyment of all their rights

of person and property, and to guard them and the State against the evils that may arise from their sudden emancipation, shall be referred, with leave to report by bill or otherwise, and said committee be authorized to sit during the session and to employ a clerk, if they deem it necessary.

The House has also adopted the following resolution :

*Resolved*, (the Senate concurring,) That the two Houses of the General Assembly meet in Convention in the Hall of the House, on this day, at 12 o'clock, m., to elect a Secretary of State for the State of Alabama.

W. H. FOWLER, Clerk.

On motion by Mr. Lindsay, the vote adopting the resolution on yesterday to appoint a committee of nine as a standing Committee on Freedmen, was reconsidered and the further consideration of the resolution was postponed until to-morrow morning, 11 o'clock.

On motion by Mr. Stansel, the vote referring to the Judiciary Committee the bill to authorize presiding judges at special terms of the circuit court to organize grand juries, was reconsidered, and the bill was read a third time under a suspension of the constitutional rule, passed, and ordered to be sent forthwith to the House.

The President announced the following as the standing committees of the Senate :

*On the Judiciary*—Messrs. Barnes, Cooper, Lindsay, Felder, Powell of Tuscaloosa, Forney, Winston, Stansel, Jones, Kilpatrick and Wilkerson.

*On Finance and Taxation*—Messrs. Garrett, Cooper, Moren, Sykes, Drake, Ashley, Gage, Powell of Macon, and Huckabee.

*Propositions and Grievances*—Messrs. Winston, Bell, Slaughter, Jackson of Morgan, and Wood.

*Privileges and Elections*—Messrs. Jones, Mitchell, Montgomery, Woodliff and Norwood.

*16th Sections and 16th Section Funds*—Messrs. Ashley, Stansel, Drake, Huckabee, Powell of Macon, Gage and Edwards.

*Education*—Messrs. Stansel, Foster, Forney, Lindsay, Sykes, Kilpatrick and Mitchell.

*Accounts and Claims*—Messrs. Moren, Foster, Jackson of Lauderdale, Norwood and Bell.

*Federal Relations*—Messrs. Felder, Barnes, Lindsay, Drake, Forney, Mitchell and Slaughter.

*Military Affairs*—Messrs. Forney, Drake, Stansel, Felder, Jackson of Lauderdale, Gage and Kilpatrick..

*Internal Improvements*—Messrs. Powell of Tuscaloosa, Wins-

ton, Moren, Edwards, Deason, Jackson of Morgan, and Woodliff.

*On Freedmen*—Messrs. Cooper, Barnes, Lindsay, Ashley, Sykes, Montgomery, Powell of Macon, Mitchell, and Powell of Tuscaloosa.

*On Banks and Banking*—Messrs. Sykes, Gage, Huckabee, Garrett and Wilkerson.

*Corporations*—Messrs. Lindsay, Jones, Jackson of Morgan, Norwood and Deason.

*Insane Hospital and Deaf and Dumb Asylum*—Messrs. Foster, Moren, Sykes, Deason and Bell.

*County Boundaries*—Messrs. Edwards, Wilkerson, Jackson of Lauderdale, Deason and Castens.

*The Penitentiary*—Messrs. Drake, Bell, Castens, Wood, Slaughter, Montgomery and Castens.

*Agriculture*—Messrs. Powell of Macon, Castens, Wood, Slaughter and Woodliff.

*State Printing*—Messrs. Wilkerson, Garrett, Wood, Jackson of Lauderdale, and Huckabee.

*State Capitol*—Messrs. Kilpatrick, Felder, Garrett, Edwards and Castens.

*Roads, Bridges and Ferries*—Messrs. Jackson of Morgan, Woodliff, Montgomery, Norwood and Mitchell.

*Retrenchment*—Messrs. Montgomery, Bell, Huckabee, Woodliff and Slaughter.

*Enrolled Bills*—Messrs. Jones, Powell of Tuscaloosa, Foster, Winston and Ashley.

*Rules of the Senate*—Messrs. Powell of Tuscaloosa, Jones, Barnes, Winston and Norwood.

The Provisional Governor transmitted to the Senate, through John B. Taylor, his Private Secretary, the following message :

*To the Senate and House of Representatives  
of the State of Alabama :*

The great events which have transpired since you were last in session, rendered necessary a Provisional Government in this State. By the authority of the President of the United States, one was established. Under it provisional civil authority has been inaugurated, and a Convention of the People of Alabama assembled at the Capitol on the 12th day of September last.

That body, in view of existing facts, adopted important amendments to the Constitution of our State, in order that Alabama might be restored to the exercise of all her political rights in the Union, continued military occupancy of the country ren-

dered unnecessary, and her people permanently restored to the protection and benefit of civil law and order.

Its members, deeply impressed by the condition of our people and their affairs, regardless of their individual feelings, addressed themselves to the discharge of the solemn duties which devolved on them in a spirit of lofty patriotism and enlightened statesmanship.

Recognizing the fact that slavery and the right of secession had been destroyed by the result of the war, without consuming precious time in useless regrets, or worse than useless criminations, they declared the one forever prohibited, except as a punishment for crime, and quietly yielded the other, notwithstanding one-half of the entire property of the State was invested in the former, and many of them had been educated in the belief that "State Rights" included the latter.

Let us indulge the hope that the wisdom of their action may be more and more apparent as each successive year rolls round, and that our children's children for many generations to come will sit in this pleasant land of ours beneath their own roof trees, around their own firesides, in the midst of unnumbered blessings, and call them blessed, who had the wisdom and firmness under such trying circumstances, while surrounded by the ruin which attends and the exhaustion which follows four years of fierce and relentless war, to lay anew the foundations of government, and upon the broadest principles of liberty to all consistent with public good.

On you and your successors they devolved the duty of rearing a superstructure worthy of such a foundation.

#### OUR FEDERAL RELATIONS

Are steadily and favorably progressing. All seems now to be working well, and I trust the result will be a complete triumph of the President's policy of reconstruction or restoration at an early day. To render this certain we must omit on our part nothing which is necessary to put the State in line with him and those who sustain him in its adoption.

On the first of February, 1865, the Congress of the United States apopted a joint resolution, entitled "a resolution submitting to the Legislatures of the several States a proposition to to amend the Consitution of the United States," as follows :

*"Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, (two-thirds of both Houses concurring), That the following article be proposed to the Legislatures of the several States as an amendment to*

the Constitution of the United States, which when ratified by three-fourths of said Legislatures shall be valid to all intents and purposes as a part of the said Constitution, namely :

*Article XIII.*

SEC. 1. Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

SEC. 2. Congress shall have power to enforce this article by appropriate legislation."

A duplicate of this resolution and proposed amendment has been transmitted to me by the Secretary of State, with the request that the decision of the Legislature of Alabama may be taken upon the subject. It is accordingly laid before you with an earnest recommendation in favor of its prompt adoption by a unanimous vote. This being done, and laws enacted in obedience to the mandate of our own Constitution, which secure the freedmen full protection to person and property, the right of Alabama to her representation in the Congress of the United States, and her complete restoration to all her political rights, powers and privileges in the Union, will be accorded by her sister States, in Congress assembled, without unreasonable delay.

2. By an ordinance of the Convention, the provisional Governor of the State was requested to order an election for Representatives in Congress from this State. This was done, and an election was held in the several districts, according to the laws of this State, in all respects as they existed on the 11th day of January, 1861, except as to the time of holding it. By the 4th section of the first article of the Constitution of the United States, the times, places and manner of holding such elections shall be prescribed in each State by the Legislature thereof. This was not unnoticed by the Convention, but the plan adopted was deemed the best that could be devised under the circumstances. To cure the defect, if it should be regarded as one, I recommend the passage of an Act ratifying what has been done in this behalf.

3. The Constitution makes it the duty of the Legislature, at this session, "to pass such laws as will protect the freedmen of this State in the full enjoyment of all their rights of person and property, and to guard them and the State against any evil that may arise from their sudden emancipation."

The duty here imposed is plain and imperative. In performing it, two things are to be borne in mind, viz : protection to the freedmen in the full enjoyment of their rights of person



and property, and in such way as to guard them and the State against any evil that may arise from their sudden emancipation. Shall this be attempted by a code of laws entirely new, or by the passage of an act declaring that they shall receive the same protection which our laws secure to our non-voting white population?

Many difficulties are in the way of the first which will readily suggest themselves to all who have had any experience in legislation, but from which the last is entirely free. In the first place there will be great difference of opinion as to what is full protection, and as to the exact tenor of legislation necessary to secure it on the one hand and to guard the freedmen and the State on the other; but there can be no doubt that we, the law-making race, honestly think that our laws give full protection to those of our own race who have no voice in making them, and that these laws are so expressed as to guard them and the State from any evils that it is in our power to guard against by legislation.

Again, in the effort to frame such a code it would be exceedingly difficult, if not impossible, to divest the mind of the idea that it is legislating not for great principles, but for a class.

For these and many other reasons, after the most careful and earnest consideration, I have come to the conclusion that our interest as a people, especially that of the white race, will be promoted by the passage of an act declaring that freedmen shall have the same measure of protection which our laws secure to our non-voting white population. This, with the adoption of vagrant laws, similar in most respects to those of Massachusetts, will demonstrate to the world that we are honestly endeavoring to meet both aspects of our new condition.

The idea of requiring a freeman to carry a pass at any time, but especially in time of peace, that he shall not be at liberty to hire himself for a less period than a month, and that he shall not be permitted to have a *light* in his dwelling after any given hour, is not only inconsistent with our American notions of freedom, but is utterly at war with them. Liberty and the "Curfew" cannot exist together.

When Columbus decided that the world was round, he boldly turned his ship westward upon an unknown sea in search of a new continent. He watched with vigilant eye the compass and its variations, but he faltered not in his purpose. What if his heart had failed him, and he had turned his ship to the shore from which he had sailed!

The people of Alabama in Convention assembled have forever prohibited slavery—in so doing they have forever estab-

lished Liberty ! Let us boldly, watchfully, and with unfaltering purpose, pursue the grand idea.

#### THE DESTITUTE AND INFIRM.

There were 139,042 destitute white persons, out of a population of 525,000, who were supplied by the State with meal and salt during last winter and spring until the surrenders which occurred in April and May. If the same ratio of destitution exists among the 440,000 blacks, it is manifest that we have about 250,000 persons in this State who must be furnished with food until they can raise it for themselves. The corn and small grain crops throughout the State are not more than one-fifth. This results from want of necessary labor and the severe drouth which has prevailed over most of our productive lands.

In view of this state of things, I addressed a letter to each probate judge calling for accurate information, and sent it by the returning members of the convention. Reports could not be sent in, for want of mail facilities, in time to lay the result before you at the opening of the session.

There is no reason to hope that the number which must be provided for will be much less than it was last year among the white population, and the ratio will probably be greater among the blacks, because of their peculiar situation at this time.

Our condition in this behalf has been made known to the government of the United States. The President, and every member of his cabinet, manifest the liveliest interest, and express a ready willingness to aid us in every possible way.

With the approval of the President, the Secretary of War has issued orders that will, I trust, result in placing food within reach of every destitute person in Alabama at an early day. This will be accomplished through the agency of the Bureau of Refugees, Freedmen and Abandoned Lands. This Bureau is now organized and capable of extending its operations to every part of the State.

Under the able management of Major General Swayne, who is the Assistant Commissioner for this State, we have already experienced great advantages, and it is proper we should render him all the assistance in our power, now that his labors are to be greatly increased for the benefit of our people.

To that end, I recommend the appointment of a commissioner, with full power to act in concert with him, on the part of the State, in accomplishing the great object in view.

Prompt and efficient action will be necessary to prevent great suffering in many parts of the State. Already the cry for help is coming up from many who say, and with truth, they must perish unless it is extended to them. Thousands of those applicants are widows and orphans, made so, in most instances, by the fortunes of war. The soldier who survived, on his return to his family, arrived too late to plant a crop. He could only aid in cultivating that which his wife and children had planted. But the want of rain has disappointed his hopes, and he who has faced death in a thousand forms on the battle field, without faltering, now trembles at the thought that those he loves best must starve for want of bread unless they receive help, and that right quickly.

I further recommend, as a matter of precaution, that the Governor be authorized to issue bonds of the State in payment for food, in case it should be necessary for the commissioner in behalf of the State to purchase it. Our bonds can be made available for that purpose when they cannot be sold in the money market.

#### STATE DEBT.

The following statement shows the entire debt of the State ; how and when created, except the interest on the University and Common School Funds. This the State has assumed in perpetuity, and the annual interest is \$134,367 80.

Outstanding State Bonds issued for the capital of the State Bank and branches, viz :

Due in New York in 1863,		\$1,889,000,	5 per ct. int. payable 1st May and 1st Novr'.
"	"	" 1865,	52,000, 5 per ct. int. payable 1st May and 1st Nov'r.
"	"	" 1872,	168,000, 5 per ct. int. payable 1st May and 1st Nov'r.
"	London in	1866,	648,000, 5 per ct. int. payable 1st 1st Jan. and 1st July.
"	"	1870,	683,000, 6 per ct. int. payable 1st June.

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\$3,445,000

The annual int. on the Bonds payable in N. Y. is \$105,450 00

" " " " London is 80,370 13

The interest on the Bonds due in New York was paid up to and including the dividend due 1st November, 1861 ; and there

has since accrued installments of interest in all amounting  
to..... \$421,800 00  
Of which there has been paid at Bank of Mobile, 53,400 00

Leaving due and unpaid ..... \$368,400 00

The Bonds due in New York in 1863 were authorized to be extended by an Act passed at the called session of 1861. The new Bonds were issued and some of them given in exchange for those due in 1863.

The interest on the Bonds due in London was paid up to and including the dividend due 1st January, 1865, and there has since accrued as follows :

On 1st June, 1865, ..... \$45,023 21  
On 1st July, 1866..... 17,670 96

Due and unpaid in London, ..... \$62,699 17  
And there will be due on 1st January, 1866,..... 17,670 96

#### RECAPITULATION.

Due and unpaid on Bonds in New York,..... \$368,400 00  
“ “ “ “ London,..... 62,699 17  
..... \$431,099 17  
Due in London on 1st January, 1866,..... 17,670 96  
.....  
Total amount..... \$448,770 13

The following statement shows the amount of money borrowed in New York by John Whiting, Commissioner and Trustee, for the purpose of meeting the expenses of the Convention and the Provisional Government, September 14th, 1865. Borrowed from Chatham National Bank at twelve months from date, with three days grace, for which note of John Whiting, Commissioner and Trustee, endorsed by Lewis E. Parsons and John Whiting, was given and due 14-17 Sept., 1866, \$40,000 00  
Less interest 12 months 3 days, ..... \$2,823 01

Stamps on note..... 20 05

Express charges from New York,.. 75 00

Expenses of Comm'r to and from

New York..... 301 75-\$3,219 81

Amount deposited in State Treasury,..... \$36,780 19

The State has the right to extend her bonds as they fall due,

The Commissioner and Trustee should be authorized to do this, and also to liquidate the unpaid interest on them with bonds of the State, bearing the same interest and having the same time to run.

He should also be authorized to give assurance that the State will resume the payment of interest regularly on the 1st January, 1867, or the first of July thereafter. I have reason to believe that this can be done, therefore I recommend that provision be made to issue bonds for that purpose, and that the Commissioner be authorized to make this offer at an early day.

#### WAYS AND MEANS.

The current expenses of the State Government, until we can realize from taxes the means of meeting them, must be provided for.

The Comptroller's Report furnishes an estimate which he regards as sufficient to meet the demands of the present fiscal year.

In the present condition of the State with relation to the Union, it is impossible to enter the money market with the bonds in the usual way. I am authorized, however, in recommending that provision be made for the issue of bonds for \$1,500,000, having ten years to run and bearing eight per cent. interest. I have reason to believe that these bonds, or so many of them as we may need, can be negotiated.

#### STATE PENITENTIARY.

Since the resumption of law and the establishment of the Courts, offenders are beginning to be received at the Penitentiary. The condition of the walls and buildings is not such as to insure the proper custody of the convicts, and I respectfully submit to your discretion such provision in relation to its repairs and police as will tend to the promotion of the object of its establishment. The report of the Warden will be laid before you.

#### STATE SALT WORKS.

A considerable amount of the means of the State was invested in the purchase of machinery and other property necessary for the production of salt to supply the wants of the people, and much of that property is now in the hands of the late Salt

Commissioner, subject to your disposition. Future action in reference to the State salines, the disposal of the property and the adjustment of the accounts of the Salt Commissioner, is left to your wisdom and discretion. Economy dictates that these things should be done promptly in order to secure the State from loss by deterioration of its property, and that the Commissioner be relieved from his responsibility. I respectfully refer you to his report submitted herewith.

#### QUARTERMASTER'S DEPARTMENT.

The protracted illness and recent death of the late Quartermaster General of the State, General Duff C. Green, has prevented a formal official report from this Department being laid before your bodies, but the books and material are at hand, from which such report can be made, before your adjournment, and in time for such action as you may deem advisable. The duties of this office were multifarious and of such importance to the well-being and comfort of the citizen and the soldier, that at your last session a special joint committee was appointed to investigate its accounts and administration. A patient, laborious and protracted investigation proved the correctness of the accounts, and the proper administration of its affairs, and led to the adoption of the "Act to increase the efficiency of the Quartermaster's Department," which, limiting to some extent the duties, interposed more efficient checks and simplified the administration of the Department.

It will appear from a report herewith submitted, from the late clerk of that department, that action on your part is necessary, as well for the settlement of the accounts of the various officers and agents of this Department, as for the disposition of such stores as now remain on hand. Some of these will be of service in the other Departments, while some should be disposed of to replenish the treasury.

I would also call your attention to the advances made by the State to contractors, in order that they may be held to proper accountability.

#### EDUCATION.

In the exhausted state of the treasury, the impoverishment of our people, and the incertitude of our affairs at the institution of the Provisional Government, I did not think it proper to appoint a Superintendent of Education, or to continue the State system while we were without means of communication.

But it was not from indifference to the subject, or to the great wants of our people. The youth of our land have for more than four years suffered this want. Their education has been that of arms and strife; their training, that of the camp; their diplomas, mutilation and wounds. Youthful ardor led them from competency or comfort to the field; they return to toil and penury, to battle with the world for the means of subsistence. It, in the earlier scenes of their life, when peace and plenty abounded in the land, and they had never bound themselves to the heart of the State by suffering and toil for her, we felt it a solemn duty to provide for their mental and moral training, that we might make of their young hearts the glowing strength and power of the land, now that they have sealed their devotion and attested their love, we would be untrue to the principles of gratitude to refuse them the opportunity to attain that improvement of mind and culture of heart which will fit them for those stations of usefulness which they might and should honorably fill. Some of them have now passed the age for the enjoyment of these opportunities, but many more can avail themselves of the opportunity.

Orphanage points to the privations of the past, recalls the memory of the dead, and looks to the State for paternal care. Widowhood remembers the weary years in which she ate the bread of bitterness and toiled in the garments of mourning, and demands of the State that fostering care for her jewels which he who has fallen would have bestowed. Poverty looks back over the years of unrequited labor, in which all the energies of the family were required for support, and presents its claim for those advantages of which it has been so long deprived. To the youth of our land we owe the blessing of that culture which will fit for future usefulness and honor to the State.

But further than this, the University and Common School funds are a sacred trust, and justice as well as sympathy and gratitude call for their proper disposal. We cannot, even if we would, avoid the duty thus imposed. As the State rises to resume its proper position, it does so with all the obligations it has assumed to execute the trusts confided to its keeping. I would respectfully recommend to your wisdom the adoption of such measures as will preserve and increase the efficiency of the system.

#### UNIVERSITY.

The destruction of the University buildings and its valuable library calls for your attention. Our youth must have educa-

tion, and upon the State devolves the duty of providing for its own institution, so long the abode of learning, from which have gone forth so many of its honored sons. Denominational institutions of like character are prostrated by the storm which has swept over us, and the only hope now lies in the revival of our State University; nor can we make any better use of the means which are left us than in promoting the cause of education. I would respectfully recommend an appropriation for the rebuilding of the University, and to aid in the purchase of a library.

#### ASYLUM FOR THE DEAF AND DUMB.

I respectfully invite your attention to the report of this institution herewith presented. The claims of these unfortunates upon our sympathies are now stronger than ever before. The institution which has heretofore been the object of your bounty and received your fostering care, has for three years struggled with embarrassments and difficulties, but with success, and will, I trust, still receive, as it deserves, your generous aid. The success which has thus far attended its management in itself appeals for its continuance.

#### HOSPITAL FOR THE INSANE.

This institution, like the one last mentioned, still preserves its reputation, and amid many difficulties has continued to dispense its blessings to the unfortunate. Your generosity is invoked in its behalf both as a measure of benevolence and relief to our people. If our own institution should fail for want of means, many of these afflicted ones must seek their cure in other States at great expense, while many others will become pauper charges on their respective counties. Humanity and the good of society alike demand its continuance with unimpaired influence.

#### THE BATTLE FLAGS OF OUR VOLUNTEER REGIMENTS.

Several of these had been deposited in the Executive Department and were not removed when the Capitol was evacuated. They were not destroyed, however, by those who took possession of it, but came to my hand as the representative of the State for the time being, and are now carefully preserved and ready to be delivered to the Governor elected under the Constitution.



We should preserve these sacred souvenirs of the courage and endurance of those who went forth to battle under their folds, and who manfully upheld them with their life-blood.— They were our sons and brothers. Alas! that so many of them shall never return to us again. Shall we ever forget them? We cannot. We must be more or less than men if we could.

The brave and generous people with whom they fought do not expect it. They do not wish us to return to the Union divested of all manhood and natural feeling. They are proud to know that the survivors of the bloody fields on which they fought, are willing as true knights and brave men to accept the result of the battle and to rally once more round the Flag of our Fathers. They feel it will not be less secure in the future because our hands and hearts are united with theirs in its support.

May the blessings of Heaven forever rest on the efforts which are now making to reunite our gallant sons from the St. Lawrence to the Gulf, from the Atlantic to the Pacific.

Finally, gentlemen, let us take courage and be of good cheer. "Sorrow endureth for a night, but joy cometh with the morning."

The work for a long and laborious session is to some extent laid before you. May the spirit which animated the convention inspire each one of you in the performance of your important duties. The future of Alabama and of the white race as well as the black, under providence, now depends mainly upon you.

The land desires peace. The widowed wife, surrounded by her fatherless children, with tearful eyes and uplifted hands silently prays for peace. The patriot and the statesman, as they survey the ruin and exhaustion which war has wrought, with lip compressed and throbbing brow, turn from the sad spectacle, and join the prayer for peace and a return to that industry whose fruits can alone restore the State to her former prosperity and power. The warrior sheathes his dripping sword and exclaims: "it is enough."

When these unite in a common prayer to the God of Peace, shall we not have the support and encouragement of those who are specially commissioned to preach "peace on earth and good will to men"? Will not our honored clergy point also to peace and lead the way?

I cannot close this communication without acknowledging in this public manner, the valuable assistance I have received from many distinguished citizens of the State, on whom I have freely called without distinction of former party or political

views. And if our State has made any progress towards the end which all so earnestly desire, if our efforts shall be finally crowned with success, they will enjoy the satisfaction of having largely contributed to these results.

May the blessing of Him, without whose blessing "the builders labor in vain," rest on your endeavors.

LEWIS E. PARSONS,

Provisional Governor of Ala.

November 22d, 1865.

On motion by Mr. Lindsay, the vote adopting the resolution appointing a standing committee of nine on freedmen, was reconsidered ;

And the consideration of the resolution was postponed until to-morrow, 11 o'clock.

The Senate proceeded to consider the resolution proposing to elect a Secretary of State, on this day, at 12 o'clock, m.

Mr. Barnes moved to lay the resolution on the table,  
Which was lost.

Mr. Barnes moved to postpone the further consideration of the resolution until to-morrow, 12 o'clock,  
Which was carried.

Mr. Foster offered the following resolution :

*Resolved*, That there be a standing committee on the University appointed by the President,  
Which was lost.

Mr. Felder introduced a bill to prevent trespasses,

Which was read twice, under a suspension of the constitutional rule, and referred to the Judiciary Committee.

On motion by Mr. Edwards,

*Resolved*, The House of Representatives concurring, that the two houses meet in convention in the hall of the House, 11 o'clock, a. m. on Friday, the 25th instant, for the purpose of electing Solicitors in the various judicial circuits of this State.

A message from the House by Mr. Clanton :

*Mr. President :*

The House has adopted the following resolution :

*Resolved*, (the Senate concurring.) That the two houses of the General Assembly convene in the hall of the House, on Friday, the 24th instant, at 11 o'clock, a. m., for the purpose of electing Solicitors for the various judicial circuits of the State of Alabama ; also to elect a Comptroller of Public Accounts and State Treasurer.

The Senate concurred in the resolution.

On motion by Mr. Edwards,

*Resolved*, (the House concurring,) That the two houses of the General Assembly convene in the hall of the House of Representatives, on Thursday, the 23d instant, at 12 o'clock, m., to elect Chancellors for the northern and middle chancery divisions.

The hour of 12 o'clock having arrived, the Senate repaired to the hall of the House of Representatives for the purpose of electing a State Printer.

Mr. Garrett, of the Senate, placed in nomination the name of Gibson & Whitfield.

Mr. Sheffield, of the House, placed in nomination the name of Reid & Screws.

Those who voted for Gibson & Whitfield are :

Messrs. Deason, Edwards, Gage, Garrett, Jones, Lindsay, Montgomery, Powell of Tuscaloosa, Slaughter, Sykes, Winston and Woodliff, of the Senate ; and Messrs. Ash, Ashford, Brandon, Bush, Clark of Lawrence, Cobb, Cotten, Edwards, Freeman, Hand, Leeper, Lindsey, Malone, Malloy, Manasco, McCain, McKinstry, McLester, Oliver, Plowman, Raisler, Thorn, Vansandt, Warren and Whitfield, of the House of Representatives.

Those who voted for Reid & Screws are :

Messrs. President, Ashley, Barnes, Bell, Castens, Cooper, Drake, Felder, Forney, Foster, Huckabee, Jackson of Lauderdale, Jackson of Morgan, Kilpatrick, Mitchell, Meren, Norwood, Powell of Macon, Stansel, Wilkerson and Wood, of the Senate ; and Messrs. Speaker, Bankhead, Bethea, Borden, Brooks, Caffey, Calloway, Chapman, Clark of Mobile, Connelly, Cox, Crenshaw, Culver, Davis of Barbour, Davis of Bibb, Dobson, Doster, Echols, Ellis, Frazer, Gafford, Gibson, Goldthwaite, Hardie, Hare, Hawthorn, Henry, Humphrey, Judkins, Jones, Lanier, Lawrence, Ledbetter, Mabry, McAlexander, McBee, McCoy of Russell, McMillan, Meadows, Moore of Coffee, Moore of Perry, Morse, Odum, Owens, Palmer, Padgett, Pierce, Pipkin, Potter, Reese, Richardson, Robinson of Baldwin, Robinson of Chambers, Savage, Sheffield, Smith of Choc-taw, Smith of Jackson, Steadham, Stringer, Tompkins, Walker, Waller, Williams of Jackson, Williams of Randolph, White, Worthy and Yonge, of the House of Representatives.

Messrs. Reid & Screws having received a majority of the votes cast, the Speaker declared them constitutionally elected for the term prescribed by law.

On motion of Mr. Ashley,

*Resolved*, That the Committee on the Penitentiary be instructed to enquire into the expediency of abolishing the pres-

ent Penitentiary system of the State, or so enlarging the buildings and other appurtenances thereto as will meet the probable prospective necessities of the State.

Mr. Sykos offered the following resolution :

*Resolved*, That so much of the message of the Provisional Governor as refers to the constitutional amendment prohibiting slavery, be referred to the Committee on Federal Relations ;

So much as refers to ratifying recent elections, be referred to the Judiciary ;

So much as refers to Freedmen, to the Committee on Freedmen ;

Destitute and infirm, State Debt and State Salt Works, to Finance and Taxation ;

State Penitentiary, to the Committee on Penitentiary ;

Quartermaster's Department, to a select committee of three ;

Education and the State University, to Committee on Education ;

Asylum for the Deaf and Dumb, and Insane Hospital, to the committee on the same :

Battle flags, souvenirs and relics of the war, to the Committee on Military Affairs.

The resolution was laid on the table.

On motion of Mr. Moren, the Senate adjourned until to-morrow morning 10 o'clock.

THURSDAY, November 23, 1865.

The Senate met pursuant to adjournment.

Prayer by Rev. I. T. Tichenor.

On motion by Mr. Lindsey, the vote adopting the resolution to elect Chancellors of the middle and northern Chancery Divisions, was reconsidered ;

And the further consideration of the resolution postponed until Tuesday next, 11 o'clock.

Message from the House by T. Clanton.

*Mr. Speaker :*

The House of Representatives has adopted the following resolution :

*Resolved*, (the Senate concurring,) That the two Houses of the General Assembly convene in the Hall of the House on Tuesday, the 28th inst., at 12 o'clock m., to elect two United States Senators.

Mr. Garrett moved to amend the above resolution of the House by substituting as follows :

*Resolved*, (the House concurring,) That the two Houses of the General Assembly convene in the Hall of the House of Representatives, on Tuesday, the 28th inst., for the purpose of electing a Senator in the Congress of the United States for the term of six years from the 4th day of March, 1865, and a Senator in the Congress of the United States for the term of six years from the 4th day of March, 1861.

On motion of Mr. Powell of Tuscaloosa, the vote concurring in the House resolution to elect Solicitors in the several judicial circuits, a Comptroller of Public Accounts, and State Treasurer, was reconsidered.

Mr. Felder moved to amend by inserting the words "Secretary of State," after the word "electing" in said resolution, which was adopted,

And the resolution, as amended, was concurred in.

Mr. Moren introduced a bill to ratify the amendment to the Constitution of the United States, approved February 1st, 1865, which was read a first time and ordered to a second reading on to-morrow.

Mr. Powell of Tuscaloosa, introduced a bill to amend the charter of the city of Tuscaloosa, which was read twice, under a suspension of the constitutional rule, and referred to the Judiciary Committee.

Mr. Powell moved to reconsider the vote referring the bill, which carried. The Senate refused to refer the bill.

Mr. Powell moved to strike out section 2, which carried.

The constitutional rule was suspended, and the bill read a third time and passed;

And the title was amended, so as to read as follows: To authorize the mayor and aldermen of the city of Tuscaloosa to levy a tax of one per cent. on the real and personal property within the limit of said city.

Mr. Stansel introduced a bill to fix the price of the Supreme Court Reports,

Which was read twice under a suspension of the constitutional rule, and referred to the Judiciary committee.

On motion by Mr. Foster:

*Resolved*, That the two Houses of the General Assembly convene in the Hall of the House of Representatives on to-day at 12 o'clock, m., for the purpose of counting the vote for Governor, cast at the late election.

On motion of Mr. Stansel:

*Resolved*, That the committee on Finance and Taxation be instructed to enquire into the expediency of levying a tax upon all passengers travelling by steamboat or railroad in this

State, for any of the revenue purposes of the State, and that they report by bill, or otherwise.

On motion by Mr. Lindsay:

*Resolved*, That the Judiciary Committee be, and are hereby instructed to consider the expediency of dividing the State into four Chancery Divisions, and report by bill, or otherwise.

The Senate proceeded to consider the resolution postponed on yesterday, to appoint a standing committee of nine on Freedmen, which was adopted:

The Senate refused to concur in the House resolution to appoint a joint committee on Freedmen.

Message from the House, by T. Clanton:

*Mr. President:*

The House concurs in the amendment of the Senate, to the House resolution to elect Solicitors, &c., on Friday, at 12 o'clock, m.

On motion by Mr. Garrett.

Fifty copies of the standing committees of the Senate were ordered to be printed.

Mr. Felder, from the committee to wait upon the ministers of the city and invite them to open the sessions of the Senate with prayer, reported that they had discharged that duty, and that the ministers had consented to alternate in opening the sessions of the Senate with prayer.

A message was received from the House by Mr. Clanton, announcing that the House concurs in the resolution of the Senate, proposing that the two Houses meet in the Hall of the House to-day, at 12 o'clock, M, to count the vote for Governor, cast in the recent election.

Mr. Garrett, from the committee on Finance and Taxation, reported favorably to the House bill, to appropriate money to pay the expenses of the present General Assembly.

The constitutional rule was suspended, and the bill read a third time and passed.

Mr. Powell of Tuscaloosa, introduced a bill to repeal an act, authorizing the election of marshal of the city of Tuscaloosa, by the qualified voters of said city, approved February 5th, 1849.

Which was read a three times under a suspension of the constitutional rule, and passed.

The hour of 12 o'clock having arrived, the Senate repaired to the Hall of the House of Representatives, where the two Houses in convention, proceeded to count out the vote cast for

Governor at the recent election, with the following result:

COUNTIES.	For R. M. Patton...	For M. J. Bulger...	For W. R. Smith...
Autauga.....	302	391	63
Baldwin.....	121	5	46
Barbour.....			
Bibb.....			
Blount.....	340	323	19
Butler.....	386	149	263
Calhoun.....	833	353	120
Chambers.....	677	430	107
Cherokee.....	318	954	16
Clarke.....	301	5	178
Coffee.....	92	249	2
Conecuh.....	258	90	107
Coosa.....	374	1,003	30
Covington.....	42	135	40
Choctaw.....	178	31	267
Dale.....	174	401	
Dallas.....			
DeKalb.....	174	752	
Fayette.....	199	41	791
Franklin.....	998	105	79
Greene.....	677	93	348
Henry.....	597	32	
Jackson.....	809	724	55
Jefferson.....	281	166	439
Lawrence.....	383	519	7
Lauderdale.....	745	31	8
Limestone.....	510	180	
Lowndes.....	577	142	140
Macon.....	826	353	52
Mobile.....	150	1,518	96
Montgomery.....	931	464	49
Madison.....	1,182	435	19
Marshall.....	344	441	
Morgan.....	578	211	15
Monroe.....	501	114	43
Marion.....	171	29	463
Marengo.....	327	187	204
Perry.....	584	97	169

COUNTIES.	For R. M. Patton...	For M. J. Bulger...	For W. R. Smith...
Pike.....	626	357	93
Pickens.....	602	42	332
Randolph.....	53	257	427
Russell.....	347	667	30
Sumter.....	308	62	412
Shelby.....			
St. Clair.....	216	496	58
Talladega.....			
Tallapoosa.....	461	1,318	25
Tuscaloosa.....	437	1	1,109
Walker.....	91	138	280
Washington.....	21	1	111
Wilcox.....	682	25	39
Winston.....	8	240	19

The following is the scattering vote:

In Autauga, Freeman received one vote; in Wilcox and Bibb, one vote; Winston, one vote.

In Monroe, A. B. Cooper received 8 votes.

In Russell, T. H. Watts received 23 votes, White two, and Reese one.

In Calhoun, Jack Wright received one vote.

In Choctaw, Cooper received two votes.

In Walker, Fitzpatrick received four votes, and Rather one vote.

There being no returns from the counties of Barbour; Bibb, Dallas, Shelby or Talladega.

Mr. Lindsey moved, that in order that the returns from the counties above mentioned might be received, that the Convention adjourn until to-morrow, 15 minutes before 11 o'clock, a.m. Which carried.

The Senate returned to its chamber.

Mr. Sykes introduced a bill to stay executions, and otherwise regulate judicial proceedings.

Which was read twice under a suspension of the constitutional rule.

Mr. Felder moved to amend by an additional section.

The bill and the amendment were referred to the Committee on the Judiciary.



On motion of Mr. Powell of Tuscaloosa, the Senate adjourned until to-morrow morning at 10 o'clock.

FRIDAY, November 24.

The Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Tichenor.

Upon a call of the districts, the following bills were introduced :

Mr. Stansel, a bill to prevent embezzlement and fraudulent conversions by bailees.

Mr. Deason, a bill to authorize the Commissioners Court of the several counties in this State, to fix the value of Confederate money in the several counties for the years 1862, 1863, 1864 and 1865.

Which were severally read twice under a suspension of the constitutional rule, and referred to the Committee on the Judiciary.

Mr. Kilpatrick, a bill for the relief of Thomas Carter, Sheriff of Clarke county.

Which was read three times, under a suspension of the constitutional rule, and passed.

A message was received from the House by Mr. Clanton, announcing that the House had passed the Senate bill to authorize the presiding judges at special terms of the Circuit Court to organize grand juries.

Mr. Cooper presented a memorial from certain citizens of Perry, Dallas, Wilcox and Marengo counties, praying for the formation of a new county, which was referred to the Committee on County Boundaries.

The Senate proceeded to the consideration of the general order, it being the bill to ratify the amendment to the Constitution of the United States, approved February 1st, 1865, which was read a second time and referred to the Committee on Federal Relations.

The hour of 15 minutes to 11 o'clock having arrived, the Senate was invited into the hall of the House for the purpose of continuing the count of votes cast for Governor in the recent election.

The Senate repaired to the hall of the House, when the two Houses in convention concluded the count of votes cast for Governor in the recent election with the following result :—

	PATTON.	BULGER.	SMITH.
Talladega.....	247	835	210
Dallas .....	320	222	406
Barbour.....	876	291	12
Bibb.....	177	131	397
	<hr/>	<hr/>	<hr/>
	1,620	1,479	1,025

The total amount received by R. M. Patton, as by the count on yesterday,..... 21,422  
Add amount received in above four counties, ..... 1,620  


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making a total of..... 23,042

Total amount received by M. J. Bulger, as by the count on yesterday ..... 15,234  
Add amount received in above four counties ..... 1,479  


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making a total of..... 16,713

The total amount received by Wm. R. Smith, as by the count on yesterday..... 8,194  
Add amount received in above four counties ..... 1,025  


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making a total of..... 9,219

Mr. Robt. M. Patton having received the highest number of votes cast, the Speaker declared him duly elected Governor of the State of Alabama, for the term prescribed by law.

The hour of 11 o'clock having arrived, the convention proceeded to the elections set for that hour.

The first in order being the election of a Secretary of State, Mr. Albert Elmore, of Montgomery county, being alone in nomination and having received one hundred and twenty-six votes, it being all the votes cast, the Speaker declared him duly elected Secretary of State for the State of Alabama, for the term prescribed by law.

The convention next proceeded to elect a Solicitor for the 1st Judicial Circuit.

The following names were placed in nomination:

W. J. Mims, of Dallas county; S. N. McCraw, of Dallas county; Rufus J. Reid, of Perry county.

Those who voted for Mr. Mims are:

Messrs. President; Deason, Felder, Montgomery, Stansel of the Senate; Messrs. Speaker, Ash, Bethea, Borden, Bourland,

Brandon, Clark of Mobile, Doster, Gibson, Goldthwaite, Hand, Hardie, Henry, Humphrey, Judkins, Jones, Lurier, Leeper, Lindsay, Mabry, McAlexander, McCann, Meadors, Oliver, Palmer, Sturdivant, Thrasher, Warren, of the House—33.

Those who voted for Mr. McCraw are :

Messrs. Castens, Cooper, Drake, Huckabee, Jackson of Lauderdale, Jackson of Morgan, Kilpatrick, Lindsay, Norwood of the Senate ; Messrs Callaway, Clark of Lawrence, Cotten, Davis of Bibb, Dobson, Frazer, Freeman, Hawthorne of the House—17.

Those who voted for Mr. Reid are :

Messrs Ashley, Barnes, Bell, Edwards, Forney, Foster, Gage, Garrett, Jones, Mitchell, Moran, Powell of Macon, Powell of Tuscaloosa, Sykes, Wilkinson, Winston, Wood of the Senate ; Messrs. Ashford, Bankhead, Brooks, Bush, Caffey, Chapman, Cobb, Cox, Crenshaw, Davis of Barbour, Echols, Edwards, Ellis, Gafford, Goodwin, Grant, Hare, Lawrence, Ledbetter, Lindsay, Malone, Malloy, McBee, McCain, McCoy of Tallapoosa, McLester, Moore of Coffee, Moore of Perry, Morse, Owens, Padgett, Pierce, Pipkin, Potter, Raisler, Richardson, Robinson of Baldwin, Robinson of Chambers, Savage, Sheffield, Smith of Choctaw, Smith of Jackson, Steadham, Stringer, Tompkins, Waller, Whitfield, Williams of Randolph, Willite, Worthy, of the House—67.

Mr. Reid having received 67 votes, it being a majority of all the votes cast, Mr. Speaker declared him duly elected Solicitor of the 1st judicial circuit of the State of Alabama, for the term prescribed by law.

The convention then proceeded to elect a Solicitor for the 2d judicial circuit.

The names of E. J. Fitzpatrick, of Montgomery county, and Thomas H. Smith, of Coosa, being in nomination :

Those who voted for Mr. Fitzpatrick are—

Messrs. President, Ashley, Cooper, Drake, Edwards, Felder, Forney, Foster, Jackson of Morgan, Jones, Kilpatrick, Mitchell, Norwood, Powell of Macon, Winston and Woodliff, of the Senate. Messrs. Ash, Ashford, Bankhead, Bethea, Bourland, Brooks, Bush, Caffey, Clark of Mobile, Cobb, Connelly, Cox, Crenshaw, Dobson, Doster, Echols, Ellis, Frazer, Gibson, Goldthwaite, Goodwin, Grant, Hare, Lawrence, Ledbetter, Mabry, Malloy, Manasco, McLester, McMillan, Meadors, Moore of Coffee, Moore of Perry, Oliver, Owens, Palmer, Padgett, Pierce, Pipkin, Reese, Richardson, Robinson of Baldwin, Sheffield, Smith of Jackson, Steadham, Stringer, Sturdivant, Thrasher,

Tompkins, Walker, Waller, Whitfield, Williams of Randolph, and Worthy, of the House—71.

Those who voted for Mr. Smith are—

Messrs. Barnes, Bell, Castens, Deason, Gage, Garrett, Huckabee, Jackson of Lauderdale, Lindsay, Montgomery, Moren, Davis of Bibb, Edwards, Freeman, Gafford, Hand, Hardie, Hawthorn, Henry, Humphrey, Judkins, Jones, Lanier, Leeper, Lindsey, McAlexander, McBee, McCain, McCann, McCoy of Russell, McCoy of Tallapoosa, Morse, Odum, Plowman, Potter, Raisler, Robinson of Chambers, Savage, Smith of Choctaw, Thorne, Vansandt, Warren, Williams of Jackson, and Yonge, of the House—59.

Mr. Fitzpatrick having received 71 votes, it being a majority of all the votes cast, the Speaker declared him duly elected Solicitor for the Second Judicial Circuit, for the term prescribed by law.

The convention next proceeded to elect a Solicitor for the Third Judicial Circuit.

The names of Alberto Martin of Jefferson county, J. T. Leeper of Shelby county, and D. B. Lewis of Shelby county were put nomination.

Those who voted for Mr. Martin are—

Messrs. President, Ashley, Barnes, Castens, Edwards, Forney, Foster, Gage, Jackson of Morgan, Kilpatrick, Mitchell, Norwood, Powell of Tuscaloosa, Stansel, Wilkinson, and Woodliff, of the Senate. Messrs. Speaker, Ashford, Bankhead, Bethea, Brandon, Brooks, Caffey, Clark of Mobile, Cox, Crenshaw, Davis of Barbour, Echols, Ellis, Gibson, Grant, Henry, Lanier, Ledbetter, Lindsey, McAlexander, McLester, McCoy of Tallapoosa, McMillan, Moore of Perry, Pierce, Pipkin, Raisler, Richardson, Robinson of Baldwin, Robinson of Chambers, Sheffield, Smith of Choctaw, Sturdivant, Thrasher, Tompkins, Williams of Jackson, Williams of Randolph, and Worthy, of the House—54.

Those who voted for Mr. Leeper are—

Messrs. Cooper, Drake, Garrett, Jones, Montgomery, Sykes, and Winston, of the Senate. Messrs. Ash, Borden, Bush, Chapman, Clark of Lawrence, Cobb, Culver, Davis of Bibb, Dobson, Edwards, Freeman, Gafford, Hand, Hardie, Hawthorn, Lawrence, Leeper, Malone, Malloy, Manasco, McCain, McCann, Moore of Coffee, Odum, Oliver, Plowman, Smith of Jackson, Steadham, Thorn, Vansandt, Walker, Warren, and Wilhite, of the House—40.

Those who voted for Mr. Lewis are—

Messrs. Bell, Felder, Huckabee, Jackson of Lauderdale, Lind-

say, Moren, Powell of Macon, and Wood, of the Senate; Messrs. Bourland, Connelly, Doster, Frazer, Goldthwaite, Humphrey, Judkins, Mabry, McBee, McCoy of Russell. Meadors, Owens, Palmer, Potter, Reese, Savage, Stringer, Waller, Whitfield, and Yonge, of the House—28.

Neither of the candidates having received a majority of all the votes cast, the convention proceeded to ballot again, the name of Mr. Lewis being withdrawn.

Those who voted for Mr. Martin are—

Messrs. President, Ashley, Barnes, Bell, Castens, Edwards, Felder, Ferncy, Foster, Gage, Huckabee, Jackson of Lauderdale, Jackson of Morgan, Kilpatrick, Lindsay, Mitchell, Moren, Norwood, Powell of Macon, Powell of Tuscaloosa, Stansel, Wilkinson, Wood, and Woodliff, of the Senate. Messrs. Speaker, Ashford, Bankhead, Bethea, Brandon, Brooks, Caffey, Callaway, Clark of Mobile, Connelly, Cotten, Cox, Crenshaw, Davis of Barbour, Echols, Ellis, Frazer, Gibson, Goldthwaite, Goodwin, Grant, Hare, Henry, Humphrey, Judkins, Jones, Lanier, Ledbetter, Lindsey, Mabry, McAlexander, McBee, McCoy of Tallapoosa, McLester, McMillan, Meadors, Moore of Perry, Owens, Palmer, Padgett, Pierce, Pipkin, Reese, Richardson, Robinson of Baldwin, Robinson of Chambers, Sheffield, Smith of Choctaw, Stringer, Sturdivant, Thrasher, Walker, Waller, Whitfield, Williams of Jackson, Williams of Randolph and Yonge—81.

Those who voted for Mr. Leeper are—

Messrs. Cooper, Drake, Garrett, Jones, Montgomery, Sykes and Winsten, of the Senate. Messrs. Ash, Bourland, Bush, Chapman, Clark of Lawrence, Cobb, Culver, Davis of Bibb, Dobson, Doster, Edwards, Freeman, Hand, Hardie, Hawthorne, Lawrence, Leeper, Malone, Malloy, Manasco, McCain, McCann, Moore of Coffee, Odum, Oliver, Palmer, Potter, Savage, Smith of Jackson, Steadham, Thorn, Vansandt, Warren, White and Yonge, of the House—42.

Mr. Martin having received 81 votes, it being the majority of all the votes cast, the Speaker declared him duly elected Solicitor of the Third Judicial Circuit.

The two Houses in joint convention then proceeded to vote for Solicitor of the 4th Judicial Circuit.

The names of Joseph Sloss of Franklin county; A. McAlexander of Lauderdale county; Daniel Coleman of Limestone county; S. M. Morrow and A. C. Speake of Morgan, being in nomination.

Those who voted for Mr. Sloss, are—

Messrs. President, Castens, Felder, Garrett, Lindsay, Wood,

of the Senate; Messrs. Borden, Caffey, Goldthwaite, Goodwin, Lanier, Mabry, McBee, McCoy of Russell, McMillan, Reese, Sheffield, Thorn, Williams, Worthy, of the House—20.

Those who voted for Mr. Coleman, are—

Messrs. Drake, and Jackson of Morgan, of the Senate; Messrs. Speaker, Bankhead, Betha, Bush, Crenshaw, Grant, Raiser, Richardson, and Robinson of Chambers, of the House—11.

Those who voted for Mr. McAlexander, are—

Messrs. Ashley, Cooper, Forney, Foster, Jackson of Lauderdale, Kilpatrick, Mitchell, Moren, Norwood, Powell of Macon, Powell of Tuscaloosa, Stansel, Wilkerson, and Woodlief, of the Senate; Messrs. Bourland, Brooks, Clark of Mobile, Cobb, Cotten, Doster, Frazer, Gafford, Gibson, Hardie, Hare, Hawthorne, Judkins, Jones, McAlexander, McCain, McCoy of Tallapoosa, Meadors, Moore of Perry, Pierce, Pipkin, Robinson of Baldwin, Savage, Smith of Choctaw, Stringer, Sturdivant, and Tompkins, of the House—41.

Those who voted for Mr. Speake, are—

Messrs. Barnes, Bell, Deason, Gage, Jones, Montgomery, Sykes, and Winston, of the Senate; and Messrs. Ashford, Brandon, Chapman, Clark of Lawrence, Culver, Davis of Bibb, Dobson, Echols, Edwards, Hund, Henry, Humphrey, Lawrence, Ledbetter, Lindsay, Malone, Milloy, McCann, Morse, Palmer, Padgett, Plowman, Potter, Smith of Jackson, Steadham, Vansandt, Walker, Warren, Williams of Jackson, Wilhite, and Yonge, of the House—39.

Neither candidate having received a majority of all the votes cast, the convention proceeded to ballot again, the names of Daniel Coleman and S. M. Morrow being withdrawn. Second ballot—

Those who voted for Mr. Sloss are—

Messrs. Castens, Felder, Garrett, Lindsay, and Wood, of the Senate; and Messrs. Bankhead, Borden, Callaway, Ellis, Goodwin, McBee, McCoy, McMillan, Owens, Robinson of Chambers, Savage, Sheffield, Thrasher, and Thorn, of the House—19.

Those who voted for McAlexander, are—

Messrs. President, Ashley, Cooper, Drake, Forney, Foster, Huckabee, Jackson of Lauderdale, Kilpatrick, Moren, Norwood, Powell of Macon, Powell of Tuscaloosa, Wilkerson, Woodliff, of the Senate; and Messrs. Bathea, Bourland, Brooks, Callaway, Clark of Mobile, Cox, Davis of Bibb, Doster, Frazer, Gafford, Gibson, Goldthwaite, Grant, Hardie, Hare, Hawthorne, Judkins, Jones, Lanier, Lindsay, Mabry, McAlexander, McCain, McCoy of Tallapoosa, McLester, Meadors, Moore of Parry, Odum, Pierce, Pipkin, Reese, Richardson, Robinson of

Baldwin, Smith of Choctaw, Stringer, Sturdivant, Tompkins, Waller, Whitfield, Williams of Randolph, and Worthy, of the House—56.

Those who voted for Mr. Speake are—

Messrs. Barnes, Bell, Deason, Edwards, Gage, Jackson of Morgan, Jones, Montgomery, Sykes, and Winston, of the Senate; Messrs. Speaker, Ash, Ashford, Brandon, Bush, Chapman, Clark of Lawrence, Cobb, Connelly, Crenshaw, Culver, Davis of Barbour, Dobson, Echols, Edwards, Freeman, Hand, Henry, Humphrey, Lawrence, Ledbetter, Leeper, Lindsey, Malone, Malloy, Manasco, McCann, Morse, Oliver, Palmer, Padgett, Plowman, Potter, Raisler, Smith of Jackson, Steadham, Vansandt, Walker, Warren, Williams of Jackson, Wilhite, and Yonge, of the House—52.

Neither of the candidates having received a majority of all the votes cast.

The convention proceeded to ballot again; the name of J. H. Sloss, being withdrawn.

Mr. Goodwin of the House, moved to adjourn until 11 o'clock to-morrow.

Mr. Manasco moved 10 o'clock, to-morrow.

Mr. Mabry, moved 3 o'clock this afternoon.

All of which were put and lost.

#### THIRD BALLOT.

Those who voted for Mr. McAlexander are—

Messrs. President, Ashley, Cooper, Drake, Felder, Forney, Foster, Huckabee, Jackson of Lauderdale, Kilpatrick, Lindsay, Mitchell, Moren, Norwood, Powell of Macon, Powell of Tuscaloosa, Stansel, Wilkerson, and Woodliff, of the Senate; Messrs. Bankhead, Bechea, Borden, Bourland, Brooks, Caffey, Callaway, Clark of Mobile, Cotten, Cox, Ellis, Frazer, Gafford, Gibson, Goldthwaite, Goodwin, Grant, Hardie, Hare, Hawthorn, Jones, Lanier, Mabry, Manasco, McAlexander, McCain, McCoy of Tallapoosa, McLester, McMillan, Meadors, Moore of Coffee, Moore of Perry, Morse, Odum, Pierce, Pipkin, Reese, Richardson, Robinson of Baldwin, Smith of Choctaw, Stringer, Sturdivant, Thrasher, Thorn, Tompkins, Waller, Whitfield, Williams of Randolph, and Worthy, of the House—68.

Those who voted for Mr. Speake, are—

Messrs. Bell, Castens, Deason, Edwards, Gage, Garrett, Jackson of Morgan, Jones, Montgomery, Sykes, Winston, and Wood, of the Senate; Messrs. Speaker, Ash, Ashford, Brandon, Bush, Chapman, Clark of Lawrence, Cobb, Connelly, Crenshaw, Culver, Davis of Barbour, Davis of Bibb, Dobson, Echols, Edwards, Freeman, Hand, Henry, Humphrey, Judkins,

Lawrence, Ledbetter, Leeper, Lindsey, Malone, Malloy, McBee, McCann, Oliver, Palmer, Padgett, Plowman, Potter, Raisler, Robinson of Chambers, Savage, Sheffield, Smith of Jackson, Steadham, Vansandt, Walker, Warren, Williams of Jackson, Willhite, and Yonge, of the House—58.

Mr. McAlexander having received 68 votes, it being a majority of all the votes cast, Mr. Speaker declared him duly elected Solicitor for the 4th judicial circuit, for the term prescribed by law.

The convention next proceeded to elect a Solicitor for the 5th judicial circuit.

The names of John D. Weeden, Wm. M. Lowe, and A. S. Fletcher, of Madison county, John R. Walden, of Cherokee county, John Ryan of Jackson county, and Thomas C. Barclay and J. M. Hampton, of Marshall county, were put in nomination.

Those who voted for Mr. Weeden, are—

Messrs. Edwards, and Stansel, of the Senate; Messrs. Doster, Gibson, Meadors, Palmer, and Pipkin, of the House—7.

Those who voted for Mr. Lowe, are—

Messrs. Barnes, Cooper, Drake, Felder, Gage, Garrett, Huckabee, Jackson of Lauderdale, Kilpatrick, Mitchell, and Powell of Macon, of the Senate; Messrs. Bankhead, Bethea, Brooks, Caffey, Cox, Echols, Frazier, Goodwin, Hawthorn, Humphrey, Judkins, Jones, Mabry, McCoy of Russell, McMillan, Moren of Perry, Morse, Odum, Pierce, Reese, Richardson, Robinson of Baldwin, Smith of Choctaw, Sturdivant, Thrasher, Tompkins, Vansandt, and Whitfield, of the House—39.

Those who voted for Mr. Walden, are—

Messrs. President Bell, Castens, Forney, Foster, Jones, Montgomery, Moren, Sykes, Winston, and Woodliff, of the Senate; Messrs. Speaker, Ash, Borden, Brandon, Callaway, Clark of Mobile, Cobb, Connelly, Cotton, Culver, Dobson, Edwards, Ellis, Goldthwaite, Hardie, Lawrence, Malone, Malloy, McBee, McCain, McCann, Owens, Plowman, Potter, Robinson of Chambers, Steadham, Williams of Randolph, Willhite, and Worthy, of the House—40.

Those who voted for Mr. Fletcher, are—

Mr. Jackson of Morgan, of the Senate. Messrs. Bourland, Grant, Ledbetter, McAlexander, McCoy of Tallapoosa, Raisler, Thorn, Waller, and Yonge, of the House—10.

Those who voted for Mr. Ryan, are—

Messrs. Ashley, Norwood, and Wood, of the Senate. Messrs. Bush, Chapman, Clark of Lawrence, Freeman, Hare, Leeper, Padgett, Walker, and Williams of Jackson, of the House—13.

Those who voted for Mr. Barclay, are—



Mr. Lindsay, of the Senate. Messrs. Hand, Sheffield, Smith of Jackson, of the House—4.

Those who voted for Mr. Hampton, are—

Messrs. Deason, Powell of Tuscaloosa, and Wilkinson, of the Senate. Messrs. Davis of Barbour, Davis of Bibb, Gafford, Henry, Lanier, Lindsey, McLester, Moore of Coffee, and Stringer, of the House—12.

Neither of the candidates having received a majority of all the votes cast,

The Convention then proceeded to vote a second time.

Messrs. Weeden and Barclay being withdrawn.

Those who voted for Mr. Lowe, are—

Messrs. Barnes, Cooper, Drake, Felder, Gage, Garrett, Jackson of Lauderdale, Kilpatrick, Mitchell, Powell of Macon, Stansel, and Sykes, of the Senate. Messrs. Bankhead, Bethea, Brooks, Caffey, Clark of Lawrence, Cox, Crenshaw, Dester, Echols, Frazer, Gafford, Gibson, Goodwin, Hare, Hawthorn, Judkins, Jones, Lanier, Mabry, McAlexander, McCoy of Russell, McMillan, Meadors, Moore of Coffee, Moore of Perry, Morse, Odum, Oliver, Owens, Pierce, Raisler, Richardson, Robinson of Baldwin, Robinson of Chambers, Smith of Choctaw, Sturdivant, Thrasher, Tompkins, Vansandt, Waller, and Whitfield, of the House—55.

Those who voted for Mr. Walden are—

Messrs. President, Bell, Castens, Edwards, Fenevy, Fester, Jones, Montgomery, Moren, Powell of Tuscaloosa, Wilkinson, and Woodliff, of the Senate. Messrs. Speaker, Ash, Eorden, Brandon, Callaway, Chapman, Clark of Mobile, Cobb, Connolly, Cotton, Culver, Davis of Barbour, Bolton, Edwards, Ellis, Goldthwaite, Hand, Hardie, Lawrence, Leeper, Malone, Malloy, McBee, McCain, McCann, McLester, Pipkin, Plowman, Potter, Savage, Steadham, Stringer, Warren, Williams of Randolph, Willhite and Worthy, of the House—49.

Those who voted for Mr. Fletcher are—

Messrs. Ashford, Bourland, Humphrey, Ledbetter, Palmer, Thorn, and Yonge, of the House—7.

Those who voted for Mr. Ryan are—

Messrs. Ashley, Jackson of Morgan, Lindsay, Norwood and Wood, of the Senate. Messrs. Bush, Freeman, Grant, Padgett, Walker, Williams of Jackson, of the House—11.

Those who voted for Mr. Hampton, are—

Mr. Deason, of the Senate. Messrs. Davis of Bibb, McCoy, of Tallapoosa, Henry and Sheffield, of the House—5.

Neither of the candidates having received a majority of all the votes cast,

The Convention then proceeded to ballot a third time.

Messrs. Fletcher, Ryan and Hampton were withdrawn.

Those who voted for Mr. Lowe, are—

Messrs. Cooper, Drake, Felder, Gage, Garrett, Huckabee, Jackson of Lauderdale, Jackson of Morgan, Kilpatrick, Mitchell, Norwood, Powell of Macon, and Stansel, of the Senate. Messrs. Bankhead, Bethen, Brooks, Bush, Caffey, Clark of Lawrence, Cox, Crenshaw, Davis of Bibb, Doster, Echols, Frazer, Freeman, Gafford, Gibson, Goodwin, Grant, Hare, Hawthorn, Henry, Humphrey, Judkins, Jones, Lanier, Ledbetter, Lindsey, Mibey, McAlexander, McCain, McCoy of Tallapoosa, McCoy of Russell, McMillan, Meadors, Moore of Coffee, Moore of Perry, Morse, Odum, Owens, Palmer, Padgett, Pierce, Raiser, Reese, Richardson, Robinson of Baldwin, Robinson of Chambers, Sheffield, Smith of Choctaw, Smith of Jackson, Sturdivant, Tarasher, Taorn, Tompkins, Vansandt, Waller, Whitfield, and Yonge, of the House—70.

Those who voted for Mr. Walden are—

Messrs. President, Ashley, Bell, Castens, Deason, Edwards, Forney, Foster, Jones, Montgomery, Moren, Powell of Tuscaloosa, and Stansel, of the Senate; Messrs. Speaker, Ash, Borden, Bourland, Brandon, Callaway, Chapman, Clark of Mobile, Cobb, Connelly, Culver, Davis of Barbour, Dobson, Edwards, Ellis, Goldthwaite, Hand, Hardie, Lawrence, Malone, Malloy, Manasco, McBee, McCann, McLester, Oliver, Pipkin, Plowman, Potter, Savage, Steadham, Stringer, Walker, Warren, Williams of Jackson, Williams of Randolph, Willhite, and Worthy, of the House—54.

Mr. Lowe having received 70 votes, it being a majority of all the votes cast, Mr. Speaker declared him duly elected Solicitor for the 5th judicial circuit, for the term prescribed by law.

On motion of Mr. Richardson, of the House, the convention adjourned until to-morrow morning at 10 o'clock.

The Senate returned to its chamber, and upon motion of Mr. Powell of Tuscaloosa, adjourned until to-morrow morning at 9½ o'clock.

SATURDAY, November 25th.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Tichenor.

Message from the House by Mr. Clanton.

*Mr. President:*

The House of Representatives has adopted the following resolution:

*Resolved*, (the Senate concurring.) That the two Houses of the General Assembly convene in the hall of the House of Representatives on to-day at 12 o'clock m., for the purpose of electing Chancellors for the Northern, Middle, and Southern Chancery Divisions, and a Warden of the State Penitentiary.

The Senate proceeded to consider the resolution.

On motion of Mr. Garrett, the words "Warden of the Penitentiary" were stricken out, and as thus amended, the resolution was concurred in.

Upon the call of districts, the following bills were introduced :

By Mr. Gage, a bill to incorporate the Southern Traveling Insurance Company ; also, a bill to incorporate the Union Express Company ; also, a bill to punish malpractices by servants and employees of incorporated companies.

Mr. Lindsay, a bill to incorporate the city of Tusculumbia, which was severally read twice under a suspension of the constitutional rule, and referred to the Committee on Corporations.

Mr. Kilpatrick, a bill to repeal an act entitled "an act to increase the fees of certain officers in Clark county," approved December 13th 1864, which was read three times under a suspension of the constitutional rule and passed.

Mr. Castens, a bill concerning apprentices, which was read twice under a suspension of the constitutional rule and referred to the Committee on Freedmen.

Mr. Barnes, a bill to extend the provisions of the homestead law of the State of Alabama, which was read twice under a suspension of the constitutional rule, and referred to the Judiciary Committee.

Mr. Deason, a bill to authorize the Governor to appoint a person to revise the geological survey of the late Professor Tucmey.

Which was read twice under a suspension of the constitutional rule and referred to the Committee on Education.

Mr. Barnes, from the Judiciary Committee, reported favorably to the bill to fix the price of the reports of the Supreme Court.

The bill was read a third time, under a suspension of the constitutional rule, and passed.

On motion of Mr. Edwards,

*Resolved*, That the Judiciary Committee be instructed to prepare, at as early a date as practicable, a bill providing for trials before justices of the peace in all cases of petit larceny, assault and battery affrays, vagrancy, and other misdemeanors, with leave to report by bill or otherwise.

A message was received from the House, through Mr. Fowler, announcing that the House of Representatives concurred in the amendment of the Senate to the resolution in regard to the election to-day for Chancellors and Warden of the Penitentiary.

The hour of 11 o'clock having arrived, the Senate was invited into the hall of the House of Representatives, for the purpose of continuing the election began by the convention on yesterday.

The Senate repaired to the hall of the House, when the two Houses in convention proceeded to elect a Solicitor for the Fifth Judicial Circuit.

The names of Jas. Bond and Thomas N. McCartney of Mobile being in nomination.

Those who voted for Mr. Bond are—

Messrs. President, Ashley, Bell, Castens, Cooper, Deason, Edwards, Foster, Gage, Garrett, Huckabee, Jackson of Morgan, Jones, Montgomery, Moren, Powell of Tuscaloosa, Slaughter, Stansel, Sykes, Wilkinson, Winston, Wood, Woodliff, of the Senate; Messrs. Speaker, Ash, Bethea, Bourland, Brandon, Brooks, Bush, Caffey, Chapman, Clark of Lawrence, Clark of Mobile, Cobb, Connelly, Cotten, Cox, Crenshaw, Davis of Barbour, Dobson, Doster, Echols, Ellis, Frazer, Goldthwaite, Grant, Hawthorne, Henry, Humphrey, Lawrence, Leeper, Lindsay, Mabry, Malone, Malloy, Manasco, McAlexander, McCann, McLester, Moore of Coffee, Moore of Perry, Morse, Odum, Oliver, Owens, Padgett, Pipkin, Plowman, Potter, Raisler, Reese, Richardson, Robinson of Baldwin, Smith of Choctaw, Steadham, Stringer, Thrasher, Tompkins, Waller, Warren, Williams of Jackson, Williams of Randolph, Willhite, and Yonge of the House—85.

Those who voted for Mr. McCartney are—

Messrs. Barnes, Drake, Felder, Forney, Jackson of Lauderdale, Kilpatrick, Lindsay, Mitchell, Norwood and Powell of Macon, of the Senate. Messrs. Bankhead, Borden, Callaway, Calver, Davis of Bibb, Edwards, Freeman, Gafford, Gibson, Goodwin, Hand, Hardie, Hare, Judkins, Lanier, Ledbetter, McBee, McCain, McCoy of Russell, McCoy of Tallapoosa, McMillan, Meadors, Palmer, Pierce, Robinson of Chambers, Savage, Sheffield, Smith of Jackson, Sturdivant, Thorn, Vansandt, Walker, Whitfield, and Worthy, of the House—44.

Mr. Bond having received a majority of all the votes cast, was declared by the Speaker to be duly and constitutionally elected Solicitor for the 6th Judicial Circuit, for the term prescribed by law.

The convention then proceeded to elect a Solicitor for the 7th Judicial Circuit of the State of Alabama.

Messrs. Frank P. Snedecor, G. W. Coleman, Eugene McCaa, Robt. T. Harris, J. J. Jolly, and Jos. C. Jones being in nomination.

Those who voted for Mr. F. P. Snedecor are—

Messrs. Lindsay, Powell of Tuscaloosa, and Sykes, of the Senate. Messrs. Ash, Clark of Mobile, Hare, Tompkins, and Wilhite, of the House—8.

Those who voted for Mr. Coleman are—

Messrs. Ashley, Bell, Castens, Drake, Edwards, Foster, Gage, Jackson of Morgan, Jones, Montgomery, and Winston, of the Senate. Messrs. Speaker, Bankhead, Bethen, Brooks, Chapman, Clarke of Lawrence, Cobb, Connelly, Davis of Bibb, Dobson, Edwards, Ellis, Freeman, Hand, Hare, Henry, Judkins, Lawrence, Leeper, Lindsay, Malloy, Manasco, McCann, McCoy of Tallapoosa, Meadors, Moore of Perry, Morse, Owens, Padgett, Plowman, Potter, Raisler, Smith of Choctaw, Smith of Jackson, Steadham, Thrasher, Vansandt, Walker, Williams of Randolph, and Yonge, of the House—50.

Mr. Lanier voted for Mr. McCaa.

Those who voted for Mr. Harris are—

Messrs. Cooper, Fomey, Huckabee, Kilpatrick, Woodliff, of the Senate; Messrs. Borden, Cox, Davis of Barboar, Goodwin, Jones, Ledbetter, McCain, Oliver, Reese, Robinson of Chambers, Sturdivant and Whitfield of the House—18.

Those who voted for Mr. Jolly are—

Messrs. Barnes, Deason, Felder, Garrett, and Stansel, of the Senate. Messrs. Doster, Goldthwaite, Grant, McBee, McMillan, Palmer, Pierce, Robinson of Baldwin, Sheffield, and Waller, of the House—15.

Those who voted for Mr. Jones are—

Messrs. President, Jackson of Lauderdale, Mitchell, Moren, Norwood, Powell of Macon, Slaughter, Wilkinson, Wood of the Senate; Messrs. Bourland, Brandon, Bush, Caffey, Calloway, Cotten, Crenshaw, Culver, Echols, Frazer, Gafford, Gibson, Hardie, Hawthorne, Humphrey, Mabry, Malone, McAlexander, McCoy of Russell, Moore of Coffee, Odum, Pipkin, Richardson, Savage, Stringer, Thorne, Warren, Williams of Jackson, and Worthy of the House—38.

Neither of the candidates having received a majority all of the votes cast, the convention proceeded to ballot a second time,

Messrs. McCaa and Harris being withdrawn,

Those who voted for Mr. Coleman are—

Messrs. Ashley, Barnes, Bell, Castens, Deason, Drake, Edwards, Foster, Gage, Garrett, Jackson of Morgan, Jones, Montgomery, Moren, Winston, of the Senate; Messrs. Speaker, Ash, Bankhead, Bethea, Bourland, Brooks, Chapman, Clark of Lawrence, Clark of Mobile, Cobb, Connelly, Cotten, Cox, Davis of Bibb, Dobson, Doster, Edwards, Ellis, Freeman, Goodwin, Grant, Hand, Henry, Judkins, Jones, Lanier, Lawrence, Leeper, Lindsay, Mabry, Malone, Malloy, Manasco, McCain, McCann, McCoy of Tallapoosa, McLester, Meadows, Moore of Perry, Morse, Oliver, Owens, Palmer, Padgett, Plowman, Potter, Raisler, Reese, Smith of Choctaw, Smith of Jackson, Steadham, Stringer, Sturdivant, Thrasher, Vansandt, Walker, Warren, Whitfield, Williams of Randolph, Wilhite, Yenge, of the House—76.

Those who voted for Mr. Jones are—

Messrs. President, Cooper, Jackson of Lauderdale, Kilpatrick, Mitchell, Norwood, Powell of Macon, Slaughter, Wilkinson, Wood, Woodlief of the Senate; Messrs. Borden, Brandon, Bush, Caffey, Callaway, Crenshaw, Culver, Davis of Barbour, Echols, Frazer, Gafford, Hardie, Humphrey, Ledbetter, McAlexander, McCoy of Russell, Moore of Coffee, Odum, Pipkin, Richardson, Robinson of Chambers, Thorn, Williams of Jackson, Worthy of the House—36.

Those who voted for Mr. Jolly are—

Messrs. Felder, Forney, Stansel of the Senate; Messrs. Goldthwaite, McBee, McMillan, Pierce, Robinson of Baldwin, Savage, Sheffield, and Walker, of the House—11.

Those who voted for Mr. Snedecor are—

Messrs. Huckabee, Lindsay, and Powell of Tuscaloosa, of the Senate; Messrs. Hare and Tompkins, of the House—5.

Mr. Coleman having received 76 votes, being a majority of all the vote cast,

The Speaker declared him duly elected Solicitor for the 7th judicial circuit, for the term prescribed by law.

The convention then proceeded to elect a Solicitor for the 8th judicial circuit.

Messrs. J. N. Arrington, C. J. L. Cunningham, and John D. Gardner being in nomination, those who voted for Mr. Arrington are—

Messrs. Barnes, Deason, Drake, Felder, Forney, Foster, Garrett, Huckabee, Kilpatrick, Mitchell, Moren, Stansel, Woodliff, of the Senate; Messrs. Speaker, Ash, Bethea, Borden, Brooks, Bush, Caffey, Clark of Mobile, Cox, Crenshaw, Davis of, Bibb, Doster, Echols, Frazer, Gibson, Goldthwaite, Goodwin, Grant, Hand, Henry, Judkins, Jones, Lanier, Lawrence, Ledbetter,

Leeper, Lindsay, Mabry, Manasco, McMillan, Meadows, Moore, of Perry, Morse, Owens, Padgett, Pierce, Reese, Robinson of Baldwin, Robinson of Chambers, Savage, Sheffield, Smith of Choctaw, Steadham, Stringer, Sturdivant, Thrasher, Thorn, Tompkins, Walker, Waller, Williams of Jackson, Williams of Randolph, of the House—65.

Those who voted for Mr. Cunningham are—

Messrs. President, Ashley, Cooper, Jackson of Lauderdale, Jackson of Morgan, Jones, Lindsay, Norwood, Powell of Macon, Slaughter, Wilkinson, of the Senate. Messrs. Bourland, Brandon, Callaway, Clark of Lawrence, Connelly, Hawthorne, Alexander, McCann, McCoy of Russell, Palmer, Pipkin, Raisler, Richardson, Smith of Jackson, Wilhite and Worthy, of the House—27.

Those who voted for Mr. Gardner are—

Messrs. Bell, Castens, Edwards, Gage, Montgomery, Powell of Tuscaloosa, Sykes, Winston and Wood, of the Senate. Messrs. Chapman, Cobb, Cotton, Culver, Davis of Barbour, Dobson, Edwards, Ellis, Freeman, Gafford, Hardie, Humphrey, Malone, Malloy, McBee, McCain, McCoy of Tallapoosa, McLester, Odum, Oliver, Plowman, Potter, Vansandt, Warren, Whitfield, and Yonge, of the House—35.

Mr. Arrington having received 65 votes, it being a majority of all the votes cast,

The Speaker declared him duly elected Solicitor of the 8th Judicial Circuit, for the term prescribed by law.

The two Houses, in joint convention, then proceeded to elect a Solicitor for the Ninth Judicial Circuit.

Messrs. Jas. B. McDonald of Tallapoosa, and G. W. Hooper of Russell, being in nomination.

Those who voted for Mr. McDonald are—

Messrs. President, Ashley, Barnes, Bell, Cooper, Deason, Felder, Forney, Foster, Gage, Garrett, Jackson of Lauderdale, Jackson of Morgan, Jones, Kilpatrick, Moran, Norwood, Powell of Macon, Powell of Tuscaloosa, Slaughter, Stansel, Sykes, Wilkinson, Wood and Woodliff, of the Senate; Messrs. Speaker, Ash, Bankhead, Bethea, Bordan, Bourland, Brandon, Brookes, Bush, Caffey, Cobb, Cox, Doster, Echols, Ellis, Frazer, Gafford, Gibson, Goldthwaite, Goodwin, Grant, Hare, Hawthorne, Henry, Humphrey, Judkins, Lanier, Lawrence, Ledbetter, Malloy, Manasco, McCain, McCann, McCoy of Tallapoosa, McLester, McVillan, Moore of Coffee, Moore of Perry, Morse, Odum, Palmer, Padgett, Pierce, Raisler, Richardson, Robinson of Baldwin, Robinson of Chambers, Sheffield, Smith of Choctaw, Steadham, Stringer, Sturdivant, Thrasher, Thorn,

Waller, Whitfield, Williams of Jackson, and Williams of Randolph, of the House—84.

Those who voted for Mr. Hooper are—

Messrs. Castens, Drake, Edwards, Huckabee, Lindsay, Mitchell, Montgomery and Winston, of the Senate. Messrs. Callaway, Chapman, Clark of Lawrence, Clark of Mobile, Cotten, Crenshaw, Davis of Barbour, Dobson, Edwards, Hand, Hardie, Jones, Leeper, Mabry, Malone, McBee, McCoy of Russell, Meadows, Oliver, Owens, Pipkin, Plowman, Potter, Reese, Savage, Smith of Jackson, Tompkins, Vansandt, Walker, Warren, Willhite, Worthy and Yonge, of the House—41.

Mr. McDonald having received a majority of the whole vote cast, was declared, by the Speaker, to be duly and constitutionally elected Solicitor for the Ninth Judicial Circuit, for the term prescribed by law.

The two Houses, in joint convention, then proceeded to elect a Solicitor for the Tenth Judicial Circuit.

The names of John H. Caldwell of Calhoun, and John W. Bishop of Talladega, being in nomination.

Those who voted for Mr. Caldwell are—

Messrs. Ashley, Barnes, Drake, Felder, Forney, Foster, Huckabee, Jackson of Lauderdale, Jackson of Morgan, Jones, Kilpatrick, Lindsay, Mitchell, Moren, Norwood, Powell of Macon, Slaughter, Stansel, Wilkinson, Winston, Wood and Woodliff, of the Senate ; Messrs. Speaker, Ash, Bankhead, Bethea, Borden, Brandon, Brooks, Bush, Caffey, Callaway, Clark of Lawrence, Echols, Ellis, Gibson, Goodwin, Grant, Hawthorne, Humphrey, Judkins, Lanier, Mabry, McAlexander, McBee, McCoy of Tallapoosa, McMillan, Moore of Perry, Morse, Odum, Owens, Padgett, Pierce, Pipkin, Potter, Raisler, Reese, Richardson, Robinson of Baldwin, Robinson of Chambers, Sheffield, Sturdivant, Thrasher, Thorn, Tompkins, Vansandt, Waller, Warren, Worthy and Yonge, of the House—70.

Those who voted for Mr. Bishop are—

Messrs. President, Bell, Castens, Cooper, Deason, Edwards, Gage, Garrett, Montgomery, Powell of Tuscaloosa, and Sykes, of the Senate ; Messrs. Chapman, Clark of Mobile, Cobb, Cotten, Cox, Crenshaw, Culver, Davis of Barbour, Davis of Bibb, Dobson, Doster, Edwards, Frazer, Gafford, Goldthwaite, Hand, Hardie, Hare, Henry, Lawrence, Ledbetter, Leeper, Lindsay, Malone, Malloy, Manasco, McCain, McCann, McCoy of Russell, McLester, Meador, Moore of Coffee, Oliver, Palmer, Plowman, Savage, Smith of Choctaw, Smith of Jackson, Steadham,



Stringer, Walker, Whitfield, Williams of Jackson, Williams of Randolph and Wilhite, of the House—56.

Mr. Caldwell having received 70 votes, it being a a majority of all the votes cast, Mr. Speaker declared him duly elected Solicitor of the 10th Judicial Circuit, for the term prescribed by law.

The convention proceeded to elect a Solicitor for the 11th Judicial Circuit.

Messrs. M. C. Lane, J. D. Brandon, W. B. H. Howard, J. N. Whitehead, and Jas. D. Porter, being in nomination,

Those who voted for Mr. Lane, are—

Messrs. President, Barnes, Montgomery, and Wilkinson of the Senate; Messrs. Speaker Ash, Chapman, Doster, Edwards, Gafford, McCain, McCann, McCoy of Russell, Moore of Coffee, Morse, Oliver, Owens, Plowman, Stringer, Walker, Wilhite, and Yenge, of the House—22.

Those who voted for Mr. Brandon are—

Messrs. Drake, Garrett, Jackson of Lauderdale, Jackson of Morgan, Slaughter, and Woodliff, of the Senate; Messrs. Bourland, Brandon, Bush, Clark of Lawrence, Cobb, Dobson, Hardie, Hand, Hare, Hawthorn, Henry, Humphrey, Jones, Lawrence, Ledbetter, Leeper, Lindsey, Mabry, McAlexander, McBee, McCoy of Tallapoosa, Meadors, Moore of Coffee, Palmer, Pierce, Raisler, Reese, Richardson, Savage, Sheffield, Smith of Jackson, Steadham, Sturdivant, Thorn, Vansandt, and Waller, of the House—42.

Those who voted for Mr. Howard are—

Messrs. Ashley, Bell, Cooper, Deason, Felder, Forney, Gage, Huckabee, Kilpatrick, Lindsay, Mitchell, Norwood, and Sykes, of the Senate; Messrs. Bankhead, Bethea, Brooks, Caffey, Clark of Mobile, Culver, Davis of Barbour, Davis of Bibb, Echols, Ellis, Frazer, Goldthwaite, Grant, Judkins, McMillan, Odum, Padgett, Robinson of Baldwin, Robinson of Chambers, Smith of Choctaw, Thrasher, Tompkins, Williams of Randolph, and Yenge, of the House—38.

Those who voted for Mr. Whitehead, are—

Mr. Wood, of the Senate; Messrs. Borden, Callaway, and Cotten, of the House—4.

Those who voted for J. D. Porter, are—

Messrs. Castens, Edwards, Foster, Jones, Moren, Powell of Macon, Powell of Tuscaloosa, Stansel, and Winston, of the Senate; Messrs. Crenshaw, Lanier, Malone, Malloy, Manasco, McLester, Potter, Warren, Whitfield, and Williams of Jackson, of the House—19.

Neither candidate having received a majority of all the votes

cast, the convention proceeded to ballot again; the name of Mr. Whitehead being withdrawn.

#### SECOND BALLOT.

Those who voted for Mr. Brandon are—

Messrs. Castens, Drake, Garrett, Huckabee, Jackson of Lauderdale, Wilkerson, and Woodliff, of the Senate; Messrs. Ash, Botland, Brandon, Bush, Clark of Lawrence, Cobb, Cotten, Dobson, Goodwin, Hand, Hardie, Hawthorn, Henry, Humphrey, Jones, Lawrence, Ledbetter, Lindsey, McAlexander, McBee, Meadors, Moore of Perry, Pierce, Potter, Raiser, Reese, Richardson, Sheffield, Smith of Jackson, Steadham, Sturdivant, Thom, Tompkins, Vansandt, Worthy, and Yonge of the House—43.

Those who voted for Mr. Howard are—

Messrs. Ashley, Bell, Cooper, Deason, Felder, Forney, Foster, Gage, Jackson of Morgan, Jones, Kilpatrick, Lindsay, Mitchell, Norwood, Powell of Macon, Sykes, and Wood of the Senate; Messrs. Bankhead, Bethea, Brooks, Caffey, Clark, of Mobile, Culver, Davis of Bibb, Echols, Edis, Frazer, Gilson, Goldthwaite, Grant, Hare, Judkins, Lanier, Mabry, Manasco, McCann, McMillan, Odum, Palmer, Padgett, Pipkin, Robinson of Baldwin, Robinson of Chambers, Savage, Smith of Choctaw, Thrasher, Walker, Waller and Williams of Randolph, of the House—50.

Those who voted for Mr. Lane are—

Messrs. President, Barnes, Montgomery, Powell of Tuscaloosa, and Slaughter of the Senate; Messrs. Speaker, Chapman, Cox, Doster, Edwards, Gafford, Leeper, McCann, McCoy of Russell, McCoy of Tallapoosa, McLester, Moore of Coffee, Morse, Oliver, Owens, Plowman, Stringer, Whitfield, and White, of the House—24.

Those who voted for Mr. Porter, are—

Messrs. Edwards, Moren, Stansel, and Winston, of the Senate; Messrs. Crenshaw, Malone, Malloy, Warren, and Williams of Jackson, of the House—9.

Neither of the candidates having received a majority of the whole vote cast,

The names of James D. Porter and M. C. Lane were withdrawn, and

The Convention then proceeded to vote a third time.

#### THIRD BALLOT.

Those who voted for Mr. Howard are—

Messrs. President, Ashley, Bell, Castens, Cooper, Deason, Felder, Forney, Foster, Gage, Huckabee, Jackson of Morgan, Jones, Kilpatrick, Lindsey, Mitchell, Montgomery,

Norwood, Powell of Macon, Powell of Tuscaloosa, Winston and Wood, of the Senate. Messrs. Speaker, Bankhead, Bethea, Brooks, Caffey, Chapman, Clark of Mobile, Cox, Crenshaw, Culver, Davis of Barbour, Davis of Bibb, Echols, Ellis, Frazer, Gafford, Gibsen, Goldthwaite, Grant, Hare, Judkins, Lanier, Mabry, Manasco, McCain, McCann, McCoy of Russell, McLester, McMillan, Moore of Coffee, Odum, Oliver, Padgett, Pipkin, Robinson of Baldwin, Robinson of Chambers, Smith of Choctaw, Smith of Jackson, Stringer, Tompkins, Walker, Waller, Whitfield, Williams of Jackson, and Williams of Randolph, of the House—68.

Those who voted for J. D. Brandon are—

Messrs. Barnes. Drake, Garrett, Jackson of Lauderdale, Moren, Slaughter, Wilkinson and Woodliff of the Senate. Messrs. Ash, Borden, Bourland, Brandon, Bush, Callaway, Clark of Lawrence, Cobb, Dobson, Doster, Edwards, Goodwin, Hand, Hardie, Hawthorn, Henry, Humphrey, Jones, Lawrence, Ledbetter, Leeper, Lindsey, Malone, Malloy, McAlexander, McBee, McCoy of Tallapoosa, Meadors, Moore of Perry, Morse, Owens, Palmer, Pierce, Plowman, Potter, Raisler, Reese, Richardson, Savage, Sheffield, Steadham, Sturdivant, Thrasher, Thorn, Vansandt, Warren, Willhite, Worthy and Yonge, of the House—58.

W. B. H. Howard having received a majority of all the votes cast, was declared by the Speaker to be duly and constitutionally elected Solicitor for the 11th Judicial Circuit, for the term prescribed by law.

Mr. Goodwin of the House, moved that the convention adjourn till 11 o'clock a. m. on Monday. Lost.

The two Houses in joint convention then proceeded to elect a Comptroller of Public Accounts.

Messrs. M. A. Chisholm and W. J. Greene being in nomination,

Those who voted for M. A. Chisholm are—

Messrs. Bell, Cooper, Edwards, Felder, Gage, Garrett, Jones, Montgomery, Moren, Powell of Macon, Powell of Tuscaloosa, Slaughter, Sykes, Winston, Wood and Woodliff, of the Senate. Messrs. Speaker, Ash, Brandon, Brooks, Chapman, Clark of Lawrence, Cobb, Cotten, Cox, Culver, Davis of Bibb, Dobson, Doster, Edwards, Freeman, Goodwin, Grant, Hand, Hare, Humphrey, Jones, Lawrence, Ledbetter, Leeper, Malone, Malloy, McCain, McCann, McCoy of Russell, McCoy of Tallapoosa, McLester, McMillan, Meadors, Moore of Coffee, Morse, Odum, Oliver, Owens, Plowman, Potter, Raisler, Robinson of Baldwin, Robinson of Chambers, Smith of Choctaw, Steadham,

Thrasher, Thorn, Tompkins, Vansandt, Warren, Whitfield, Williams of Randolph, Wilhite and Yonge—71.

Those who voted for Mr. Greene, are—

Messrs. President, Ashley, Barnes, Drake, Forney, Huckabee, Jackson of Lauderdale, Jackson of Morgan, Kilpatrick, Mitchell, Norwood, Stansel, of the Senate ; Messrs. Bankhead, Bethea, Borden, Bourland, Bush, Caffey, Callaway, Clark of Mobile, Crenshaw, Davis of Barbour, Echols, Ellis, Frazer, Gafford, Gibson, Goldthwaite, Hardie, Hawthorne, Henry, Judkins, Lanier, Mabry, Manasco, McAlexander, McBee, Moore of Perry, Padgett, Pierce, Pipkin, Reese, Richardson, Savage, Sheffield, Smith of Jackson, Stringer, Walker, Waller, Williams of Jackson, and Worthy, of the House—51.

Mr. Chisholm having received 71 votes, it being a majority of all the votes cast,

The Speaker declared him duly elected Comptroller of Public Accounts for the State of Alabama, for the term prescribed by law.

The Convention next proceeded to elect a State Treasurer.

The names of L. P. Saxon, of Autauga, and Duncan B. Graham, of Montgomery, being in nomination,

Those who voted for Mr. Saxon, are—

Messrs. President, Ashley, Bell, Castens, Edwards, Foster, Gage, Garrett, Jackson of Lauderdale, Jones, Montgomery, Powell of Tuscaloosa, Slaughter, Sykes, Winston, and Wood, of the Senate ; Messrs. Speaker, Ash, Borden, Brandon, Brooks, Chapman, Clark of Lawrence, Cobb, Cotten, Cox, Crenshaw, Culver, Dobson, Doster, Edwards, Freeman, Goodwin, Grant, Jones, Lawrence, Ledbetter, Leeper, Malone, Malloy, Manasco, McBee, McCain, McCoy of Russell, McCoy of Tallapoosa, Meadors, Odum, Oliver, Plowman, Potter, Robinson of Chambers, Sheffield, Smith of Choctaw, Smith of Jackson, Steadham, Thrasher, Thorn, Tompkins, Vansandt, Walker, Warren, Williams of Randolph, Wilhite, and Yonge, of the House—64.

Those who voted for Mr. Graham, are—

Messrs. Barnes, Cooper, Deason, Drake, Felder, Forney, Huckabee, Jackson of Morgan, Kilpatrick, Lindsay, Mitchell, Moren, Norwood, Powell of Macon, and Stansel, of the Senate ; Messrs. Bankhead, Bethea, Bourland, Bush, Caffey, Callaway, Clark of Mobile, Davis of Barbour, Echols, Ellis, Frazer, Gibson, Goldthwaite, Hand, Hardie, Hare, Hawthorne, Henry, Humphrey, Judkins, Lanier, Mabry, McAlexander, McCain, McLester, McMillan, Moore of Perry, Morse, Palmer, Padgett, Pierce, Pipkin, Raisler, Richardson, Robinson of Baldwin, Sav-

age, Stringer, Sturdivant, Waller, Whitfield, Williams of Jackson, and Worthy—57.

Mr. Saxon having received 64 votes, it being a majority of all the votes cast,

The Speaker declared him duly elected Treasurer of the State of Alabama, for the term prescribed by law ;

On motion by Mr. Edwards, of the Senate, the convention adjourned until Monday next, 11 o'clock a. m.

The Senate returned to its chamber, and adjourned until 10 o'clock Monday morning.

MONDAY, November 27.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Tichenor.

Upon the call of the districts, the following bills were introduced :

Mr. Barnes, a bill to incorporate the Alabama College of Physicians and Surgeons, and the Charity Hospital at Montgomery ;

Which was read twice, under a suspension of the constitutional rule, and referred to the Committee on Corporations.

Also, a bill to incorporate the town of Bluffton, in the county of Chambers ;

Which was read three times, under a suspension of the constitutional rule, and passed.

Mr. Garrett, a bill to provide more effectually for the distribution of food among the destitute families of this State ;

Which was read twice, under a suspension of the constitutional rule, and referred to the Committee on Finance and Taxation.

Mr. Jones, from the Committee on Enrolled Bills, reported as correctly enrolled, the bill—

To authorize judges of the circuit court to organize grand juries at special terms.

Mr. Kilpatrick introduced a bill—

To provide for taking and approving the bonds of judges of the probate court ;

Mr. Jones presented the—

Petition of certain citizens of Fayette and Tuscaloosa counties, praying that G. W. Rice be allowed the privilege of distilling whisky ;

Which was referred to the Committee on Propositions and Grievances.

On motion by Mr. Garrett,

The Governor's message, and the resolution by Mr. Sykes, referring the same to the appropriate committees,

Were taken from the table, and the resolution was adopted.

Message from the House by Mr. Fowler :

*Mr. President :*

The House of Representatives has originated and passed a bill—

To increase the fees of jailors in the State of Alabama.

Also, a joint resolution to authorize the Governor to contract for a loan to the State.

Mr. Barnes offered the following resolution :

*Resolved*, That the Provisional Governor be requested to correspond by telegraph with the President of the United States, to ascertain what this General Assembly ought to do, by way of legislation, and otherwise to insure the right of Alabama to her representation in the Congress of the United States, and her complete restoration to all her political rights and privileges in the Union, and that he communicate said correspondence to the General Assembly.

Pending the consideration of which, a message was received from the House, by Mr. Fowler, announcing that the House of Representatives agreed to the amendment of the Senate to the House resolution in relation to the election of two United States Senators, on to-morrow; at 12 o'clock m.

The hour of eleven o'clock having arrived, the Senate was invited into the hall of the House of Representatives, for the purpose of electing chancellors for the northern, middle and southern chancery division.

The Senate repaired to the hall of the House, when the two Houses in convention proceeded to the election of chancellors.

The first in order being the election of a chancellor for the northern chancery division,

Mr. S. K. McSpadden, of Cherokee, alone being in nomination, and having received one hundred and twenty-seven votes, it being all the votes cast,

The Speaker declared him duly elected chancellor for the northern chancery division for the term prescribed by law.

The convention proceeded to the election of a chancellor for the middle chancery division.

The names of W. H. Fellows, of Dallas county, and J. Q. Loomis, of Autauga county, being in nomination.

Those who voted for Mr. Fellows are :

Messrs. President, Cooper, Edwards, Huckabee, Montgomery, Powell of Tuscaloosa, Slaughter and Sykes, of the Senate ; and Messrs. Speaker, Ash, Davis of Bibb, Edwards, Hand, Hardie, Hare, Jones, Lanier, Ledbetter, Leeper, Lindsey, Mabry, Malone, Manasco, McAlexander, McLester, Moore of Perry, Oliver, Reese, Sturdivant, Whitfield, Williams of Jackson, and Worthy, of the House—32.

Those who voted for Mr. Loomis are :

Messrs. Ashley, Barnes, Bell, Castens, Deason, Drake, Felder, Forney, Foster, Gage, Jackson of Lauderdale, Jackson of Morgan, Jones, Kilpatrick, Mitchell, Moren, Norwood, Powell of Macon, Stansel, Wilkinson, Winston, Wood and Woodliff, of the Senate ; and Messrs. Ashford, Bankhead, Bethea, Borden, Bourland, Brandon, Bush, Caffey, Callaway, Chapman, Clark of Lawrence, Clark of Mobile, Cobb, Connelly, Cotten, Cox, Crenshaw, Culver, Davis of Barbour, Dobson, Doster, Echols, Ellis, Frazer, Freeman, Gibson, Goldthwaite, Goodwin, Grant, Hawthorne, Henry, Humphrey, Judkins, Lawrence, Malloy, McBee, McCain, McCann, McCoy of Russell, McCoy of Tallapoosa, McKinstry, McMillan, Meadors, Moore of Coffee, Morse, Odum, Owens, Palmer, Padgett, Pierce, Pipkin, Plowman, Potter, Raisler, Richardson, Robinson of Baldwin, Robinson of Chambers, Savage, Sheffield, Smith of Choctaw, Smith of Jackson, Steadham, Stringer, Thrasher, Thorn, Tompkins, Vansandt, Walker, Waller, Williams of Randolph, Willhite and Yonge, of the House—95.

Mr. Loomis having received ninety-five votes, it being a majority of all the votes cast,

The Speaker declared him duly elected chancellor for the middle chancery division for the term prescribed by law.

The convention proceeded to elect a chancellor for the southern chancery division.

The names of W. W. Cocke and Jefferson Franklin being in nomination,

Those who voted for Mr. Cocke are :

Messrs. President, Barnes, Bell, Castens, Cooper, Drake, Felder, Forney, Foster, Gage, Huckabee, Jackson of Lauderdale, Jones, Kilpatrick, Mitchell, Moren, Powell of Macon, Powell of Tuscaloosa, Slaughter, Stansel, Wood and Woodliff, of the Senate ; and Messrs. Speaker, Bankhead, Bethea, Bourland, Clark of Mobile, Cobb, Connelly, Cotten, Cox, Crenshaw, Culver, Davis of Barbour, Dobson, Doster, Echols, Frazer, Goldth-

waite, Grant, Hare, Henry, Humphrey, Judkins, Jones, Lannier, Mabry, Malloy, Manasco, McAlexander, McCann, McCoy of Russell, McKinstry, McLester, McMillan, Moore of Perry, Morse, Odum, Padgett, Pierce, Pipkin, Reese, Richardson, Smith of Choctaw, Smith of Jackson, Steadham, Stringer, Sturdivant, Thrasher, Tompkins, Vansandt, Walker, Whitfield, Williams of Randolph, Worthy and Yonge, of the House—76.

Those who voted for Mr. Faulkner are :

Messrs. Ashley, Deason, Edwards, Garrett, Jackson of Morgan, Lindsay, Montgomery, Norwood, Wilkinson and Winston, of the Senate ; and Messrs. Ash, Ashford, Borden, Brandon, Bush, Caffey, Callaway, Chapman, Clark of Lawrence, Davis of Bibb, Edwards, Ellis, Freeman, Gibson, Goodwin, Hand, Hardie, Hawthorne, Lawrence, Ledbetter, Malone, McBee, McCain, McCoy of Tallapoosa, Meadors, Moore of Coffee, Oliver, Owens, Palmer, Plowman, Potter, Raisler, Robinson of Baldwin, Robinson of Chambers, Savage, Sheffield, Thorn, Walker, Warren, Williams of Jackson, and Wilhite, of the House—52.

Mr. Cocke having received 76 votes, it being a majority of all the votes cast,

The Speaker declared him duly elected Chancellor for the Southern Chancery Division, for the term prescribed by law.

The business of the convention being concluded, the Senate returned to its chamber,

And resumed the consideration of the resolution offered by Mr. Barnes.

Mr. Powell, of Macon, moved to amend by substituting as follows :

*Resolved*, That L. E. Parsons, the Provisional Governor, be requested to communicate with the Senate, from time to time, such information as he may possess in regard to what action is necessary in order to a full restoration of Alabama to all her rights in the Union.

On motion, by Mr. Lindsay,

The resolution was laid on the table.

Yeas, 20 ; nays, 10.

YEAS—Messrs. Castens, Drake, Edwards, Felder, Foster, Gage, Garrett, Huckabee, Jackson of Lauderdale, Jones, Lindsay, Mitchell, Montgomery, Moren, Powell of Macon, Powell of Tuscaloosa, Sykes, Wilkinson, Wood and Woodliff—20.

NAYS—Messrs. Ashley, Barnes, Bell, Deason, Forney, Jackson of Morgan, Kilpatrick, Norwood, Stansel and Winston—10.

The House bill—

To increase the fees of jailors in the State of Alabama ;

And the House joint resolution—



To authorize the Governor to contract a loan for the State ;

Were severally read twice, under a suspension of the constitutional rule, and referred to the Committee on Finance and Taxation.

On motion, by Mr. Jones,

The Senate adjourned until to-morrow morning, at ten o'clock.

TUESDAY, November 28.

The Senate met pursuant to adjournment.

Upon motion, by Mr. Foster,

*Resolved*, (The House of Representatives concurring,) That the two Houses of the General Assembly convene in the Hall of the House on this day, immediately after the election of U. S. Senators, for the purpose of electing a Superintendent of Education.

On motion, by Mr. Garrett,

The resolution was laid on the table.

Upon the call of the Districts, the following bills were introduced—

Mr. Powell, of Macon, a bill to alter and amend the charter of the Girard Railroad Company, approved January 30th, 1854;

Also, a bill to repeal in part an act to incorporate the Girard Railroad Company, approved Jan. 21, 1865 ;

Mr. Slaughter, a bill for the relief of the Opelika and Tusculumbia Railroad Company ;

Which were severally read twice, under a suspension of the constitutional rule and referred to the Committee on Internal Improvements.

Mr. Powell, of Tuscaloosa, a bill to repeal an act entitled an act to prevent the sale of vinous or spirituous liquors in the town of New Lexington, and in Beat No. 2, west of North River, in the county of Tuscaloosa ;

Which was read three times, under a suspension of the constitutional rule, and passed.

Also, a bill to authorize Minerva A. Carroll, administratrix of the estate of Thomas Narrissee, to remove the administration of said estate to the county of Tuscaloosa ;

Mr. Stansel, a bill to amend section 3106 of the Code, so as to punish assaults with intent to murder with death ;

Mr. Drake, a bill to empower the probate court of Madison county to grant letters of administration on the estate of Jehu Geron ;

Which were severally read twice, under a suspension of the constitutional rule, and referred to the Judiciary Committee.

Mr. Garrett, from the Committee on Finance and Taxation, reported favorably to the House bill,

To authorize the Governor to contract a loan for the State,  
With the following amendment :

Insert the word "Provisional" before the word "Governor," in the third line ;

The amendment was adopted, and the bill read a third time, under a suspension of the constitutional rule, and passed.

Also, from the same committee, to which was referred so much of the Provisional Governor's message as relates to advances made to contractors, and balances due the State,

Reported that the Committee was unable to proceed in its investigation until further information is obtained from the proper department. The committee therefore recommend the adoption of the following resolution :

*Resolved*, That the late Auditor of the Treasury be, and he is hereby required to make a report to the Senate upon the operations of his department since the last annual report, setting forth the amounts drawn for, who in favor of, and for what purpose ; the balance due the State upon contracts and advances made, and the amounts paid in upon the outstanding balances, as shown in the last report ;

The report was concurred in.

Mr. Stansel from the Judiciary committee, reported a substitute for the bill,

To prevent embezzlement and fraudulent conversions by bailers ;

The substitute was adopted, and the bill read the third time, and passed.

Message from the House by Mr. Fowler :

*Mr. President* :

The House of Representatives has originated and passed the following bills :

To amend an act to incorporate the town of Newbern, in Greene county, so as to invest the Intendant with the powers of Justice of Peace ;

To prevent a failure of justice in certain cases ;

To authorize certain officers of Bibb county to make publication in the newspapers of Selma.

The House has adopted the following resolution :

*Resolved*, (The Senate concurring,) That the two Houses of

the General Assembly convene in the Hall of the House on Friday the first of December, at 12 m., for the purpose of electing an Attorney General for the State of Alabama.

The Senate concurred in the above resolution of the House.

Mr. Huckabee from the committee on Finance and Taxation, reported favorably to the House bill,

To increase the fees of Jailors, with the following amendments ;

Strike out "one dollar" where it occurs, and insert "fifty cents" ;

Strike out "seventy-five" where it occurs, and insert "forty" ;

Strike out all after the word day, in the third line from the last.

Mr. Barnes moved to amend the amendment of the committee, by striking out "fifty cents" and inserting "seventy-five cents," and by striking out "forty cents" and inserting "fifty."

Which was lost.

Mr. Powell moved to amend by striking out "fifty" and inserting "sixty" and by striking out "forty" and inserting "fifty,"

Which was lost.

The amendments were adopted, and the bill read a third time, under a suspension of the constitutional rule, and passed.

Mr. President laid before the Senate, a communication from the President of the Planters' Convention lately assembled in this city, transmitting resolutions adopted by said convention ;

Which were referred to the Committee on Freedmen.

Mr. Wilkinson offered the following resolution :

*Resolved*, (the House of Representatives concurring,) that the resolution of the two Houses, which provides for the election of two United States Senators on to-day, be, and the same is hereby rescinded.

On motion of Mr. Lindsay, the resolution was laid on the table, Yeas, 19 ; nays, 13.

YEAS—Messrs. President, Castens, Cooper, Deason, Edwards, Foster, Gage, Garrett, Huckabee, Jackson of Lauderdale, Jackson of Morgan, Jones, Lindsay, Mitchell, Moren, Powell of Tuscaloosa, Sykes, Wood, and Woodlief—19.

NAYS—Messrs. Ashley, Barnes Bell, Drake, Felder, Forney, Kilpatrick, Nerwood, Powell of Macon, Slaughter, Stansel, Wilkinson, and Winston—13.

The House bill,

To authorize certain officers of Bibb county to make publication in the newspapers of Selma, was read three times, under a suspension of the constitutional rule, and passed.

The House bill,

To prevent a failure of justice in certain cases, was read twice, under a suspension of the constitutional rule, and

On motion of Mr. Barnes, was laid on the table.

The House bill,

To amend an act incorporating the town of Newbern, in Greene county, so as to invest the intendant with powers of justice of the peace ;

Was read twice, under a suspension of the constitutional rule, and referred to the Judiciary Committee.

The hour of 12 o'clock m. having arrived, the Senate was invited into the Hall of the House of Representatives, for the purpose of electing two U. S. Senators.

The Senate repaired to the Hall of the House, when the two Houses in convention proceeded to elect a United States Senator, whose term should commence on the 4th day of March, 1865, and expire the 4th day of March, 1871.

The name of Lewis E. Parsons alone being in nomination, and having received one hundred and fifteen votes, it being a majority of all the votes cast,

The Speaker declared him duly elected a Senator in the Congress of the United States, for the term ending the 4th day of March, 1871.

Mr. Ashley, of the Senate, voted for Mr. Sykes, of Lawrence.

Mr. Kilpatrick, for John T. Morgan, of Dallas.

Mr. McCoy, of Tallapoosa, of the House, voted for John A. Campbell, of Mobile.

Mr. McMillan voted for Thomas H. Watts, of Montgomery.

The Convention proceeded to elect a Senator for the term commencing the 4th of March, 1861.

The names of A. B. Cooper, of Wilcox, John Forsyth, of Mobile, and Geo. S. Houston, of Limestone, being in nomination ;

Those who voted for Mr. Cooper are—

Mr. President, Ashley, Barnes, Forney, Foster, Huckabee, Kilpatrick, Montgomery, and Moren, of the Senate ; Messrs. Caffey, Chapman, Crenshaw, Ellis, Goldthwaite, Hardie, Hare, Hawthorne, Judkins, Jones, Lanier, Lindsey, Mabry, McCann, McMillan, Meadors, Moore of Perry, Odum, Reese, Savage, Smith of Choctaw, Stringer, Thrasher, Walker, and Worthy, of the House—34.

Those who voted for Mr. Forsyth are—

Messrs. Castens, Gage, Mitchell, Powell of Macon, Slaughter, Stansel, Wood, and Woodliff, of the Senate ; Messrs. Speaker, Borden, Brandon, Clark of Mobile, Davis of Barbour, Doster, Echols, Grant, Henry, Humphrey, Lawrence, Ledbetter, McCoy of Russell, McKinstry, Owens, Pierce, Pipkin, Plowman, Potter, Robinson of Baldwin, Robinson of Chambers, Sheffield, Tompkins, Walker, Williams of Jackson, and Yonge, of the House—34.

Those who voted for Mr. Houston, are—

Messrs. Bell, Deason, Drake, Edwards, Felder, Garrett, Jackson of Lauderdale, Jackson of Morgan, Jones, Lindsay, Norwood, Powell of Tuscaloosa, Sykes, Wilkinson, and Winston, of the Senate ; Messrs. Ash, Ashford, Bankhead, Bethea, Bourland, Brooks, Bush, Clark of Lawrence, Cobb, Connelly, Cotten, Cox, Culver, Davis of Bibb, Dobson, Edwards, Frazer, Freeman, Gafford, Gibson, Goodwin, Hand, Malone, Malloy, Manasco, McAlexander, McBee, McCain, McCoy of Tallapoosa, McLester, Moore of Coffee, Morse, Oliver, Palmer, Padgett, Raisler, Richardson, Smith of Jackson, Steadham, Thorn, Vansandt, Warren, Whittfield, Williams of Randolph, and Wilhite—61.

Neither of the candidates having received a majority,

Mr. Robinson, of Chambers, of the House, moved that the Convention adjourn until 12 o'clock to-morrow, which was lost.

Yeas 45 ; nays 81.

Those who voted yea, are—

Messrs. Barnes, Castens, Forney, Foster, Gage, Huckabee, Kilpatrick, Mitchell, Moren, Powell of Macon, Slaughter, Stansel, Wood and Woodliff, of the Senate ; Messrs. Speaker, Brandon, Bush, Chapman, Clark of Mobile, Davis of Barbour, Echols, Ellis, Frazer, Grant, Hare, Humphrey, Judkins, Lanier, Lawrence, McBee, McKinstry, McMillan, Meadors, Owens, Pipkin, Plowman, Robinson of Baldwin, Robinson of Chambers, Savage, Sheffield, Smith of Choctaw, Walker, Waller, Williams of Jackson, Worthy and Yonge, of the House—46.

Those who voted nay, are—

Messrs. Ash, Ashford, Bankhead, Bethea, Borden, Bourland, Brooks, Caffey, Callaway, Clark of Lawrence, Cobb, Connelly, Cotten, Cox, Crenshaw, Culver, Davis of Bibb, Dobson, Doster, Edwards, Freeman, Gafford, Gibson, Goldthwaite, Goodwin, Hand, Hardie, Hawthorne, Henry, Jones, Ledbetter, Lindsey, Mabry, Malone, Malloy, Manasco, McAlexander, McCain, McCann, McCoy of Russell, McCoy of Tallapoosa, McLester, Moore of Coffee, Morse, Odum, Oliver, Palmer, Padgett, Pierce,

Potter, Raisler, Reese, Richardson, Smith of Jackson, Steadham, Stringer, Thorn, Tompkins, Vansandt, Warren, Whitfield, Williams of Randolph, and Wilhite, of the House—81.

The Convention proceeded to ballot a second time.

Those who voted for Mr. Houston are—

Messrs. Bell, Deason, Drake, Edwards, Felder, Garrett, Jackson of Lauderdale, Jackson of Morgan, Jones, Lindsay, Norwood, Powell of Tuscaloosa, Sykes, Wilkinson, and Winston, of the Senate; Messrs. Ash, Ashford, Bankhead, Bethea, Bourland, Brooks, Bush, Callaway, Clark of Lawrence, Cobb, Connelly, Cotten, Cox, Culver, Davis of Bibb, Dobson, Edwards, Frazer, Freeman, Gafford, Gibson, Goodwin, Hand, Lindsey, Malone, Malloy, Manasco, McAlexander, McBee, McCain, McCoy of Tallapoosa, McLester, Moore of Coffee, Morse, Oliver, Palmer, Padgett, Potter, Raisler, Richardson, Smith of Jackson, Steadham, Thorn, Vansandt, Warren, Whitfield, Williams of Randolph, and Wilhite, of the House—63.

Those who voted for Mr. Cooper are—

Messrs. President, Ashley, Barnes, Forney, Foster, Kilpatrick, Montgomery, and Moren, of the Senate; Messrs. Caffey, Chapman, Crenshaw, Ellis, Goldthwaite, Hardie, Hare, Hawthorne, Judkins, Jones, Lanier, McCann, McMillan, Meadors, Moore of Perry, Odum, Reese, Savage, Smith of Choctaw, Stringer, Thrasher, and Walker, of the House—31.

Those who voted for Mr. Forsyth are—

Messrs. Castens, Gage, Mitchell, Powell of Macon, Slaughter, Stansel, Wood, and Woodliff, of the Senate; Messrs. Speaker, Borden, Brandon, Clark of Mobile, Davis of Barbour, Doster, Echols, Grant, Henry, Humphrey, Lawrence, Ledbetter, McCoy of Russell, McKinstry, Owens, Pierce, Pipkin, Plowman, Robinson of Baldwin, Robinson of Chambers, Sheffield, Tompkins, Walker, Williams of Jackson, and Worthy, of the House—34.

Neither candidate having received a majority of all the votes cast,

Mr. Echols of the House moved that the convention adjourn until to-morrow, at 12 o'clock,

Which was lost.

Yeas, 40; nays, 88.

Those who voted yeas are—

Messrs. Barnes, Castens, Forney, Foster, Gage, Kilpatrick, Mitchell, Moren, Powell of Macon, Slaughter, Stansel, Winston, Wood and Woodliff, of the Senate; Messrs. Speaker, Brandon, Bush, Clark of Mobile, Culver, Echols, Frazer, Grant, Humphrey, Judkins, McKinstry, McLester, McMillan, Meadors,

Moore of Perry, Owens, Plowman, Robinson of Baldwin, Robinson of Chambers, Sheffield, Tompkins, Williams of Jackson, and Yonge, of the House—36.

Those who voted nays are—

Messrs. President, Ashley, Bell, Deason, Drake, Edwards, Felder, Garrett, Huckabee, Jackson of Lauderdale, Jackson of Morgan, Jones, Lindsay, Montgomery, Norwood, Powell of Tuscaloosa, Sykes, and Wilkinson, of the Senate; Messrs. Ash, Ashford, Bankhead, Bethea, Borden, Bourland, Brooks, Caffey, Callaway, Chapman, Clark of Lawrence, Cobb, Connelly, Cotten, Cox, Crenshaw, Davis of Barbour, Davis of Bibb, Dobson, Doster, Edwards, Ellis, Freeman, Gafford, Gibson, Goldthwaite, Goodwin, Hand, Hardie, Hare, Hawthorne, Henry, Jones, Lanier, Lawrence, Ledbetter, Lindsey, Mabry, Malone, Malloy, Manasco, McAlexander, McBee, McCain, McCann, McCoy of Russell, McCoy of Tallapoosa, McLester, Moore of Coffee, Moore of Perry, Odum, Oliver, Palmer, Padgett, Pierce, Pipkin, Potter, Raisler, Reese, Richardson, Savage, Smith of Choctaw, Smith of Jackson, Steadham, Stringer, Thrasher, Thorn, Vansandt, Walker, Waller, Warren, Whitfield, Williams of Randolph, and Wilhite of the House—92.

The convention proceeded to ballot again.

### THIRD BALLOT.

The name of Thos. H. Watts being placed in nomination.

Those who voted for **Mr. Houston** are—

Messrs. Bell, Deason, Drake, Edwards, Felder, Garrett, Jackson of Lauderdale, Jackson of Morgan, Jones, Lindsay, Norwood, Powell of Tuscaloosa, Sykes, Winston, and Wilkinson, of the Senate; Messrs. Ash, Ashford, Bankhead, Bethea, Bourland, Bush, Callaway, Clark of Lawrence, Cobb, Connelly, Cotten, Culver, Davis of Bibb, Dobson, Doster, Edwards, Freeman, Gafford, Gibson, Goodwin, Hardie, Jones, Lindsey, Malone, Malloy, Manasco, McAlexander, McCain, McLester, Moore of Coffee, Morse, Palmer, Padgett, Potter, Raisler, Richardson, Smith of Jackson, Steadham, Thorn, Vansandt, Warren, Whitfield, Williams of Randolph, and Wilhite, of the House—60.

Those who voted for Mr. Cooper, are—

Messrs. President, Ashley, Forney, Foster, Huckabee, Kilpatrick, Montgomery, and Moren, of the Senate; Messrs. Caffey, Chapman, Crenshaw, Hawthorne, Mabry, McCain, Odum, Reese, Savage, Smith of Choctaw, Stringer, and Walker—20.

Those who voted for Mr. Forsyth, are—

Messrs. Castens, Gage, Powell of Macon, Slaughter, Stansel, Wood, and Woodliff, of the Senate; Messrs. Borden, Brandon, Clark of Mobile, Echols, Grant, Hare, Henry, Humphrey, Judkins, Lanier, Lawrence, Ledbetter, McCoy of Russell, McKinsty, Owens, Pipkin, Plowman, Robinson of Baldwin, Sheffield, Tompkins, Waller, Williams of Jackson, Worthy, and Yonge, —30.

Those who voted for Mr. Watts, are—

Messrs. Barnes, and Mitchell, of the Senate; Messrs. Brooks, Cox, Davis of Barbour, Ellis, Frazer, McBee, McCoy of Tallapoosa, McMillan, Meadors, Moore of Perry, Pierce, Robinson of Chambers, and Thrasher—15.

Neither candidate having received a majority of the votes cast, the convention proceeded to ballot again.

#### FOURTH BALLOT.

Those who voted for Mr. Houston, are—

Messrs. Bell, Deason, Drake, Edwards, Felder, Gage, Jackson of Lauderdale, Jackson of Morgan, Jones, Lindsay, Norwood, Sykes, Wilkerson, and Winston, of the Senate; Messrs. Ash, Ashford, Bankhead, Bethea, Bourland, Brooks, Bush, Chapman, Clark of Lawrence, Cobb, Connelly, Cotton, Cox, Culver, Davis of Bibb, Dobson, Doster, Edwards, Freeman, Gafford, Gibson, Goodwin, Hand, Hardie, Jones, Lindsey, Malone, Malloy, Manasco, McAlexander, McCain, McCann, McCoy of Tallapoosa, McLester, Moore of Coffee, Morse, Oliver, Palmer, Padgett, Potter, Raisler, Richardson, Smith of Jackson, Steadham, Thorn, Vansandt, Warren, Whitfield, Williams of Randolph, and Wilhite, of the House—50.

Those who voted for Mr. Forsyth, are—

Messrs. Castens, Gage, Powell of Macon, Stansel, Wood, and Woodliff, of the Senate; Messrs. Speaker, Borden, Brandon, Clark of Mobile, Grant, Hare, Henry, Humphrey, Lanier, Lawrence, Ledbetter, McCoy of Russell, McKinsty, Plowman, Robinson of Baldwin, Sheffield, Tompkins, Waller, Williams of Jackson, Worthy, and Yonge, of the House—28.

Those who voted for Mr. Cooper, are—

Messrs. President, Ashley, Barnes, Forney, Foster, Huckabee, Montgomery, Moren, Powell of Tuscaloosa, of the Senate; Messrs. Caffey, Hawthorne, Mabry, Odum, Reese, Savage, Thrasher, and Walker, of the House—18.

Those voted for Mr. Watts, are—

Messrs. Kilpatrick and Mitchell, of the Senate; Messrs. Callaway, Crenshaw, Davis of Barbour, Echols, Ellis, Frazer, Jud-



kins, McBee, McMillan, Meadors, Moore of Perry, Owens, Pierce, Pipkin, and Robinson of Chambers, of the House—17.

Mr. Geo. S. Houston having received sixty-four votes, it being a majority of all the votes cast,

The Speaker declared him duly elected Senator to the Congress of the United States for the term ending 4th of March, 1867.

The business of the Convention, being concluded, the Senate returned to its chamber.

And, on motion by Mr. Moren, adjourned until 10 o'clock to-morrow morning.

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### WEDNESDAY, November 29th.

The Senate met pursuant to adjournment.

Upon the call of the Districts,

The following bills were introduced :

Mr. Powell of Macon, a bill, accompanied with a petition, to organize the county of ———, out of certain portions of Montgomery, Pike, Russell and Macon counties described therein ;

Which was read twice, under a suspension of the constitutional rule, and referred to the Committee on County Boundaries.

Mr. Foster, a bill to prevent vagrancy ;

Which was read twice, under a suspension of the constitutional rule, and referred to the Committee on Freedmen.

Mr. Barnes, a bill to provide for the printing and distribution of the decisions of the Supreme Court ;

Which was read twice, under a suspension of the constitutional rule, and referred to the Judiciary Committee.

Mr. Deason, a bill to provide for burnt or lost records in the county of Jefferson ;

Which was read twice, under a suspension of the constitutional rule, and referred to the same committee.

Referred to the same committee.

Mr. Powell, of Macon, a bill to legalize the marriage of Jno. P. Logan and Martha A. Smith, residents of Macon county ;

Which was read twice, under a suspension of the constitutional rule, and referred to the same committee.

Mr. Powell, of Tuscaloosa, a bill to incorporate the Moores' Bridge Turnpike Company, in the county of Tuscaloosa ;

Which was read twice, under a suspension of the constitu-

tional rule, and referred to the Committee on Corporations.

Also, an account of John F. Warren, for administering registration oath in Tallapoosa county ;

Which was referred to the Committee on Accounts.

A message from the House by Mr. Clanton :

*Mr. President:*

The House of Representatives has originated and passed the following bills :

To incorporate the Selma Fire and Marine Insurance Company ;

To give the probate court of Perry county jurisdiction over the estate of John H. Jones, of Dallas county ;

To repeal an act to authorize John H. Kennedy to erect a fish trap in Coosa river, approved November 19, 1865.

On motion of Mr. Barnes :

*Resolved*, That the Governor be and he is hereby requested to inform the Senate, as early as may be convenient, what action has been had under the act approved February 8, 1858, entitled an act in reference to school lands belonging to inhabitants of certain townships in this State, located in the States of Arkansas and Louisiana; and whether any agent has been appointed under said act, and who, and what steps have been taken, if any have been taken by said agent, and all the information to be found in the Executive office of this State in relation thereto, and whether any of the said lands have been sold, and what has become of the proceeds thereof.

Mr. Drake offered the following resolution :

*Resolved*, That the Committee on Freedmen be authorized to employ a clerk.

Mr. Barnes moved to amend by substituting as follows :

*Resolved*, That the Standing Committee of the two Houses on Freedmen be authorized to hold joint sessions.

On motion of Mr. Edwards,

The substitute was laid on the table.

Mr. Edwards moved to lay the resolution on the table ;

Which was lost.

The resolution was adopted.

Yeas, 18 ; nays, 13.

YEAS—Messrs. President, Ashley, Barnes, Castens, Cooper, Deason, Drake, Forney, Jackson of Lauderdale, Kilpatrick, Lindsay, Mitchell, Montgomery, Norwood, Powell of Macon, Stansel, Wilkinson, and Woodliff—18.

NAYS—Messrs. Bell, Edwards, Felder, Foster, Gage, Hucka-

bee, Jackson of Morgan, Jones, Moren, Powell of Tuscaloosa, Sykes, Winston and Wood—13.

Mr. Barnes offered the following resolution :

*Resolved*, (the House of Representatives concurring,) That the two Houses of the General Assembly adjourn on Friday, the 8th day of December next, to meet again on the first Tuesday of February, 1866.

On motion by Mr. Sykes,

The consideration of the resolution was postponed until Wednesday the 6th day of December next.

On motion, by Mr. Stansel,

*Resolved*, (the House of Representatives concurring,) That the two Houses of the General Assembly meet in the Hall of the House of Representatives, at 12, m., on to-morrow, November 30, for the purpose of electing successively three Judges of the Supreme Court of Alabama.

The House bill—

To repeal an act to authorize A. T. Kennedy to erect a fish trap in a portion of the Coosa River, approved November 17, 1865,

Was read three times under a suspension of the constitutional rule, and passed.

The House bill—

To give the Probate Court of Perry county jurisdiction over the estate of Dr. John H. Jones, of Dallas county ;

Which was read twice, under a suspension of the constitutional rule, and referred to the Judiciary Committee.

The House bill—

To incorporate the Selma Fire and Marine Insurance Company ;

Was read twice, under a suspension of the constitutional rule, and referred to the Committee on Corporations.

On motion, by Kilpatrick,

The Senate adjourned until to-morrow morning, 10 o'clock.

THURSDAY, November 30th.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Petrie.

Message from the House by Mr. Clanton.

*Mr. President.*

The House has originated and passed the following bills :

For the relief of John B. Walden, solicitor for the 5th judicial circuit ;

To give the probate court of Macon County, jurisdiction of the estate of J. C. Slocum, deceased, late of Tallapoosa county ;

To incorporate the Citizens Mutual Insurance Company of Mobile ;

To make Samuel S. Cornwell, a liner between Conecuh and Monroe counties, a citizen of Monroe county ;

For the relief of Margaret L. Estes, and Nancy Estes and their sureties ;

To lay off the county of Walker, into four Commissioners' Districts ;

To incorporate the Pleasant Ridge Male Academy, in the county of Greene ;

To amend an act to incorporate the N. E. & S. W. R. R. Company, so as authorize said corporation to sell and transfer its franchise, assets, &c.

The House concurs in the Senate amendment to the joint resolution,

To authorize the Provisional Governor to contract a loan for the State ;

Also, the amendment to the bill to increase the fees of jailors ;

The House concurs in the Senate resolution in regard to the election of three judges of the Supreme Court, on to-day at 12 o'clock m.

The House has adopted the following resolution,

*Resolved*, That a committee of three on the part of each House, be appointed to wait upon Robert M. Patton, Governor elect of this State, and inform him of his election, and ascertain from him when it will suit his convenience to enter upon the duties of his office.

Messrs. Bethea, Cox, and Goodwin, are the committee on the part of the House.

Upon the call of the Districts, the following bills were introduced :

Mr. Kilpatrick, a bill to regulate the sale of intoxicating liquors to Freedmen and others.

Mr. Mitchell, bills—

To regulate contracts with Freedmen ;

To punish vagabonds ;

To amend the laws in relation to Evidence in this State ;

Which were severally read the first and second times, under a suspension of the constitutional rule and referred to the committee on Freedmen.

Mr. Barnes, a bill to repeal certain acts therein enacted, to prevent the sale of spirituous liquors to free persons of color, and other purposes.

Mr. Stansel, a bill to punish the offering to bribe to commit offences.

Mr. Garrett, a bill to restore to a debtor the common law right of an honest preference amongst his creditors, and to repeal section 1556 of the Code, which took away that right;

Which were severally read the 1st and 2d times, under a suspension of the constitutional rule, and referred to the Judiciary committee.

On motion by Mr. Mercer, Messrs. Garrett and Sykes were added to the committee on Accounts and Claims.

Mr. Deason from the committee on Corporations, reported favorably to the bill, to punish Malpractices by servants and employees of incorporated companies.

Mr. Jackson of Morgan, from the same committee, also, favorably to the bill, to incorporate the Alabama College of Physicians and Surgeons, and the Charity Hospital at Montgomery;

Mr. Jones, also, from the same committee, favorably to the bill, to incorporate the Southern Travellers Insurance company;

Which were severally read the third time, under a suspension of the constitutional rule, and passed.

Mr. Lindsay, from the same committee, also, favorably to the bill, to incorporate the city of Tuscumbia, with the following amendments:

Add to section 20 the following, "and that all acts done by them for the said town of Tuscumbia, not inconsistent with the Constitution of the United States, or the State of Alabama, are hereby declared valid."

Amend section 6, by striking out after the word "every," in first line, the words "citizen in the city of Tuscumbia, who will be a legal voter at an election for members of Legislature," and insert in lieu thereof, the words, "white male inhabitants of of 21 years of age, who has resided in the city of Tuscumbia one year."

The amendments were adopted, and the bill read a third time, under a suspension of the constitutional rule.

Mr. Garrett, from the Committee on Finance and Taxation, reported favorably to the bill,

To provide more effectually for the distribution of food among the destitute families of this State,

With the following amendment:

Insert the words, "two thousand" in the blank in section 3.

Amend by additional section as section 4.

The amendments were adopted.

Mr. Lindsay moved to amend by inserting the words, "at the rate rate of," before the words "two thousand" in section three ;

Which was adopted,

And the bill was read a third time, under a suspension of the constitutional rule, and passed.

The House bills for the relief of John B. Walden, late Solicitor for the 5th judicial circuit ;

To lay off the county of Walker into four commissioners districts ;

Were read three times, under a suspension of the constitutional rule, and passed.

The House bill to incorporate the Pleasant Ridge Male Academy, of the county of Greene ;

Was read twice, under a suspension of the constitutional rule, and referred to the Committee on Corporations.

The House bill for the relief of Margaret L. Estes, and Niceney Estes, and their sureties ;

Was read twice, under a suspension of the constitutional rule, and referred to the Committee on 16th Sections.

The House bill—

To make Samuel S. Cornwell, a liner between the counties of Conecuh and Monroe, a citizen of Monroe county ;

Was read twice, under a suspension of the constitutional rule, and referred to the Committee on County Boundaries.

The House bill—

To amend an act to incorporate the North-east and South-west Alabama Railroad Company, so as to authorize said corporation to sell and transfer its franchises, assets, &c. ;

Was read twice, under a suspension of the constitutional rule, and referred to the Committee on Internal Improvements.

The House bills—

To incorporate the Citizens' Mutual Insurance Company of Mobile ;

To give the probate court of Macon county jurisdiction of the estate of J. C. Slocum, deceased, late of Tallapoosa county ;

Were read twice, under a suspension of the constitutional rule, and referred to the Committee on the Judiciary.

On motion by Mr. Garrett, the vote passing the House bill for the relief of John B. Walden, late Solicitor for the 5th judicial circuit, together with the vote suspending the constitutional rule to give the bill a third reading, as also the vote ordering the bill to a third reading,

Was reconsidered, and the bill referred to the Judiciary Committee.

The hour of 12 m. having arrived, the Senate was invited into the hall of the House for the purpose of electing successively three judges of the Supreme Court of Alabama.

The Senate repaired to the hall of the House, when the two houses in convention proceeded with the election of one of the judges of the Supreme Court.

On the first vote, the name of A. J. Walker, late chief justice of the Supreme Court of the State of Alabama, alone being in nomination, and having received one hundred and twenty-three votes, it being all the votes cast,

The Speaker declared him duly elected one of the judges of the Supreme Court of Alabama for the term prescribed by law.

The convention proceeded to the election of another judge.

The names of G. W. Stone, of Lowndes county, and W. M. Byrd, of Dallas county, being in nomination,

Those who voted for Mr. Stone are :

Messrs. President, Ashley, Barnes, Castens, Cooper, Drake, Felder, Forney, Jackson of Lauderdale, Jackson of Morgan, Kilpatrick, Mitchell, Norwood, Powell of Macon, Slaughter, Stansel, Wilkinson and Wood, of the Senate ; and Messrs. Bethea, Borden, Bourland, Brooks, Bush, Caffey, Chapman, Cox, Crenshaw, Culver, Davis of Barbour, Davis of Bibb, Echols, Ellis, Frazer, Gafford, Gibson, Goldthwaite, Hardie, Hawthorne, Henry, Humphrey, Lanier, Ledbetter, McAlexander, McBee, McMillan, Palmer, Padgett, Pierce, Pipkin, Raisler, Robinson of Baldwin, Sheffield, Smith of Jackson, Stringer, Thrasher, Thorn, Waller, Williams of Jackson, and Worthy, of the House—59.

Those who voted for Mr. Byrd are—

Messrs. Bell, Deason, Edwards, Foster, Gage, Garrett, Huckabee, Jones, Lindsey, Montgomery, Moren, Powell of Tuscaloosa, Sykes, Winston, and Woodliff, of the Senate ; Messrs. Speaker, Ash, Bankhead, Brandon, Callaway, Clark of Lawrence, Clark of Mobile, Cobb, Connelly, Cotton, Dobson, Doster, Edwards, Freeman, Goodwin, Grant, Hand, Hare, Judkins, Jones, Lawrence, Leeper, Lindsey, Mabry, Malone, Malloy, Manasco, McCain, McCann, McCoy of Russell, McCoy of Tallapoosa, McLester, Meadors, Moore of Perry, Morse, Odum, Oliver, Owens, Plowman, Potter, Reese, Richardson, Robinson of Chambers, Savage, Smith of Choctaw, Steadham, Sturdivant, Tompkins, Vansandt, Walker, Warren, Whitfield, Williams of Randolph, Wilhite and Yonge, of the House—71.

Mr. Byrd having received 71 votes, it being a majority of all the votes cast,

The Speaker declared him duly elected one of the Judges of

the Supreme Court of Alabama for the term prescribed by law.

The Convention proceeded to elect another Judge.

The names of Wm. S. Mudd, of Jefferson county, John D. Phelan, of Montgomery county, Thos. J. Judge, of Montgomery county, and Chas. W. Rapier, of Mobile county, being in nomination;

Those who voted for Mr. Mudd are—

Messrs. Deason, Edwards, Garrett, Jones, Lindsay, Montgomery, Powell of Tuscaloosa, Sykes, Winston, and Woodliff, of the Senate; Messrs. Speaker, Ash, Brandon, Clark of Lawrence, Cobb, Davis of Bibb, Dobson, Ellis, Hand, Hardie, Leeper, Malone, Malloy, Manasco, McBee, McCann, McLester, Oliver, Potter, Steadham, Vansandt, Warren, and Wilhite, of the House—33.

Those who voted for Mr. Phelan are—

Messrs. Drake, Jackson of Lauderdale, Jackson of Morgan, Kilpatrick, Moren, and Stansel, of the Senate; Messrs. Bankhead, Bourland, Bush, Freeman, Gibson, Goldthwaite, Goodwin, Humphrey, Lanier, Ledbetter, Mabry, McAlexander, McCoy of Russell, Meadors, Moore of Perry, Palmer, Padgett, Pierce, Raisler, Reese, Richardson, Sheffield, Smith of Jackson, Sturdivant, Thorn, and Waller, of the House.

Those who voted for Mr. Judge are—

Messrs. President, Ashley, Barnes, Bell, Castens, Cooper, Felder, Forney, Foster, Gage, Huckabee, Mitchell, Norwood, Powell of Macon, Slaughter, Wilkinson, and Wood, of the Senate; Messrs. Bethea, Borden, Brooks, Caffey, Callaway, Chapman, Cotten, Cox, Crenshaw, Culver, Davis of Barbour, Doster, Echols, Edwards, Gafford, Hare, Hawthorne, Henry, Jenkins, Lawrence, Lindsey, McCain, McCoy of Tallapoosa, McMillan, Moore of Coffee, Odum, Owens, Pipkin, Plowman, Robinson of Baldwin, Robinson of Chambers, Savage, Stringer, Thrasher, Walker, Whitfield, Williams of Jackson, Williams of Randolph, Worthy, and Yonge, of the House—56.

Those who voted for Mr. Rapier are—

Messrs. Clark of Mobile, Grant, Morse, Smith of Choctaw, Tempkins, and Yonge, all of the House—6.

Neither of the candidates having received a majority of all the votes cast,

The convention proceeded to a second ballot, the name of Chas. W. Rapier being withdrawn.

#### SECOND BALLOT.

Those who voted for Mr. Judge are—



Messrs. President, Ashley, Barnes, Bell, Castens, Cooper, Felder, Forney, Foster, Gage, Garrett, Huckabee, Mitchell, Norwood, Powell of Macon, Slaughter, Wilkinson, and Wood, of the Senate ; Messrs. Bethea, Borden, Brooks, Caffey, Callaway, Chapman, Connelly, Cotten, Cox, Crenshaw, Culver, Davis of Barbour, Doster, Echols, Edwards, Frazer, Gafford, Grant, Hare, Hawthorne, Henry, Judkins, Lawrence, Lindsey, McCain, McCoy of Tallapoosa, McMillan, Moore of Coffee, Morse, Odum, Owens, Pipkin, Plowman, Robinson of Baldwin, Robinson of Chambers, Savage, Smith of Choctaw, Stringer, Thrasher, Tompkins, Waller, Whitfield, Williams of Jackson, Williams of Randolph, Worthy, and Yonge, of the House—63.

Those who voted for Mr. Mudd, are—

Messrs. Deason, Edwards, Garrett, Jones, Lindsay, Montgomery, Moren, Powell of Tuscaloosa, Sykes, Winston, and Woodliff, of the Senate ; Messrs. Speaker, Ash, Brandon, Clark of Lawrence, Cobb, Davis of Bibb, Dobson, Ellis, Hand, Hardie, Leeper, Malone, Malloy, Manaseo, McBee, McCann, McLester, Oliver, Potter, Steadham, Vausandt, Warren, and White, of the House—34.

Those who voted for Mr. Phelan, are—

Messrs. Drake, Jackson of Lauderdale, Jackson of Morgan, Kilpatrick, and Stansel, of the Senate ; Messrs. Bankhead, Bourland, Bush, Clark of Mobile, Freeman, Gibson, Goldthwaite, Goodwin, Humphrey, Lanier, Ledbetter, Mabry, McAlexander, McCoy of Russell, Meadors, Moore of Perry, Palmer, Padgett, Pierce, Raisler, Reese, Richardson, Sheffield, Smith of Jackson, Sturdivant, Thorn, and Waller, of the House—32.

Neither candidate having received a majority of all the votes cast, the convention proceeded to ballot a third time, the name of Mr. Mudd being withdrawn and the name of Jno. C. Foster, of Calhoun, being placed in nomination.

### THIRD BALLOT.

Those who voted for Mr. Judge, are—

Messrs. President, Ashley, Barnes, Bell, Castens, Cooper, Felder, Gage, Huckabee, Jones, Mitchell, Montgomery, Norwood, Powell of Macon, Slaughter, Winston, Wilkinson, and Wood, of the Senate ; Messrs. Bethea, Brooks, Caffey, Callaway, Chapman, Clark of Lawrence, Cobb, Cotten, Cox, Crenshaw, Culver, Davis of Barbour, Doster, Echols, Edwards, Frazer, Gafford, Goldthwaite, Hand, Hardie, Hare, Hawthorne,

Henry, Judkins, Jones, Lawrence, Lindsey, Malloy, McCain, McCann, McCoy of Tallapoosa, McMillan, Morse, Odum, Oliver, Owens, Pipkin, Plowman, Robinson of Baldwin, Robinson of Chambers, Savage, Smith of Choctaw, Steadham, Stringer, Thrasher, Tompkins, Vansandt, Walker, Whitfield, Williams of Jackson, Williams of Randolph, Wilhite, Worthy, and Yonge, of the House—74.

Those who voted for Mr. Phelan are—

Messrs. Deason, Drake, Edwards, Garrett, Jackson of Lauderdale, Jackson of Morgan, Kilpatrick, Lindsay, Moren, Powell of Tuscaloosa, Stansel, and Sykes of the Senate; Messrs. Bankhead, Bourland, Bush, Clark, of Mobile, Freeman, Gibson, Goodwin, Grant, Humphrey, Lanier, Ledbetter, Mabry, Manasco, McAlexander, McCoy, of Russell, McLester, Meadors, Moore, of Perry, Palmer, Padgett, Pierce, Raisler, Reese, Richardson, Sheffield, Smith of Jackson, Sturdivant, Thorn, and Waller, of the House—41.

Those who voted for Mr. Foster, are—

Messrs. Forney, and Woodliff, of the Senate; Messrs. Speaker, Ash, Borden, Brandon, Connelly, Dobson, Ellis, Malone, McBee, Potter, and Warren, of the House—13.

Mr. Judge having received 74 votes, it being a majority of all the votes cast, Mr. Speaker declared him duly elected one of the Judges of the Supreme Court for the time prescribed by law.

The business of the convention being concluded, the Senate returned to its chamber, and

On motion by Mr. Moren, adjourned until to-morrow morning 10 o'clock.

FRIDAY, December 1st, 1865.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Petrie.

Upon the call of the Districts the following bills were introduced:

Mr. Kilpatrick, a bill to prevent interference with contracts made;

Also, a bill to prevent illegal traffic;

Which were read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Freedmen.

Mr. Montgomery, a bill to change the Boundary Line between the counties of Calhoun and Talladega;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on County Boundaries.

Mr. Deason, a bill to authorize parties when sued for the purchase money of slaves, to plead a breach of warranty as an offset to the recovery on such contracts ;

Which was read twice, and referred to the Judiciary Committee.

Mr. Jones, a bill to repeal an act to prohibit the distillation of grain in the State of Alabama, except under the direction and authority of the Governor, approved December 8, 1862 ;

Which was read twice, under a suspension of the constitutional rule, and laid on the table.

Mr. Lindsay, a bill to amend section 1749 of the Code.

Mr. Jackson, of Lauderdale, a bill to regulate the fees of certain officers in Lauderdale county ;

Which were severally read three times, under a suspension of the constitutional rule, and passed.

Mr. Huckabee presented an account of John G. Harvey, of Greene county, for printing registration oaths ;

Which was referred to the Committee on Accounts and Claims.

Mr. Garrett offered the following preamble and resolution :

Whereas, during the last four years some offices were created to meet the press of the public business, and the salaries of other officers increased in consideration of the depreciation in the currency ; therefore,

*Resolved*, That the Committee on Retrenchment be instructed to inquire whether any and what offices can be abolished, and what salaries ought to be reduced so as to meet the present and prospective condition of the country in its indebtedness and inability to pay taxes, and at the same time secure a proper discharge of the duties of the office, with leave to report by bill or otherwise.

The preamble and resolution were adopted.

On motion of Mr. Garrett :

*Resolved*, That the Committee on Education be instructed to inquire whether there are any trustees of the University of Alabama now in office, and by what tenure they hold their offices.

*Also, Resolved*, That the Committee on Freedmen be directed to inquire into the expediency of providing by law to regulate the names of freedmen so as to prevent them being changed, after being once adopted.

Message from the House by Mr. Fowler :

*Mr. President :*

The House of Representatives has passed the Senate bill  
To incorporate the town of Bluffton, in Chambers county ;  
The House has adopted the following resolution :

*Resolved*, (the Senate concurring,) That the two Houses of the General Assembly convene in the Hall of the House of Representatives, on to-day, at 15 minutes past m., for the purpose of electing a State Superintendent of Education and a Quartermaster General for the State of Alabama.

Mr. Powell, of Tallapoosa, from the Judiciary Committee, reported favorably to the bill,

To authorize Minerva A. Carroll, administratrix of the estate of Thomas Hennissee, to remove the administration of said estate to the county of Tuscaloosa.

The constitutional rule was suspended, and the bill read a third time and passed.

Mr. Stansel, from the same committee, reported a substitute for the bill,

To amend section 3106 of the Code, so as to punish assaults with intent to murder, with death, with the following title :

To punish assaults with intent to murder, rob, &c., with death.

The substitute was adopted, and the bill read a third time, under a suspension of the constitutional rule, and passed.

Mr. Barnes, from same committee, reported favorably to the House bills,

To give the probate court of Macon county jurisdiction of the estate of J. C. Slocum, deceased, late of Tallapoosa county;

For the relief of John B. Walden, late Solicitor of the 5th Judicial Circuit.

Also, to the Senate bill,

To legalize the marriage of John P. Logan and Martha A. Smith, residents of Macon county.

Mr. Forney, from same committee, reported favorably to the House bill,

To give jurisdiction to the Probate Court of Perry county over the estate of Dr. John H. Jones, of Dallas county.

Mr. Kilpatrick, from same committee, reported favorably to the bill,

To provide for taking and approving the bonds of the judges of probate.

Mr. Winston, from same committee, reported favorably to the House bill,

To amend an act to incorporate the town of Newbern, in Green county, so as to invest the intendant with the powers of justice of the peace.

Mr. Cooper, from the same committee, reported favorably to the House bill

To incorporate the Citizens' Mutual Insurance Company of Mobile ;

All of which were severally read a third time, under a suspension of the constitutional rule, and passed.

Mr. Lindsay, from the Judiciary Committee, reported favorably to the bill

To provide for printing and distributing the decisions of the Supreme Court.

The constitutional rule was suspended, and the bill was read a third time, and made the special order for to-morrow, at 11 o'clock.

Mr. Edwards, from the committee on County Boundaries, reported favorably to the House bill

To make Samuel S. Cornwell a citizen of Monroe county ;

Which was read a third time, under a suspension of the constitutional rule, and passed, by a vote of yeas 33, nays 0, it being the majority of two-thirds required by the constitution, to be obtained in changing county lines.

The Senate proceeded to consider the House resolution in relation to the election of State Superintendent of Education and Quartermaster General.

Mr. Felder moved to amend the resolution by striking out "State Superintendent of Education."

Mr. Lindsay moved the previous question, and the question being, shall the "main question now be put,"

It was lost. Yeas 11, nays 21.

YEAS—Messrs. Ashley, Barnes, Bell, Castens, Jackson of Lauderdale, Jackson of Morgan, Kilpatrick, Lindsay, Norwood, Wilkinson and Woodliff—11.

NAYS—Messrs. President, Cooper, Deason, Drake, Edwards, Felder, Forney, Foster, Gage, Garrett, Huckabee, Jones, Mitchell, Montgomery, Moren, Powell of Macon, Powell of Tuscaloosa, Stansel, Sykes, Winston and Wood—21.

The further consideration of the resolution was postponed and made the special order for to-morrow, 11 o'clock.

Mr. Winston, from the committee on Propositions and Grievances, reported adversely to granting the petition of G. W. Rice, praying that he be authorized to distil whisky.

The report was concurred in.

The hour of 12 o'clock having arrived, the Senate was in-

vited into the Hall of the House, for the purpose of electing an Attorney General for the State.

The Senate repaired to the Hall of the House, when the two Houses, in joint convention, proceeded to the election.

Alex. B. Clitherall and John W. A. Sanford, of Montgomery, being in nomination.

Those who voted for Mr. Clitherall are—

Messrs. President, Ashley, Cooper, Forney, Foster, Jackson of Lauderdale, Kilpatrick, Lindsay, Moren, Powell of Tuscaloosa, Stansel, Winston, and Wood of the Senate; Messrs. Speaker, Borden, Caffey, Clark of Mobile, Cotten, Crenshaw, Davis of Bibb, Ellis, Gafford, Grant, Hardie, Hare, Henry, Judkins, Lanier, Ledbetter, Leeper, Mabry, Manasco, McAlexander, McCann, McLester, Padgett, Pierce, Savage, Thorn, Tompkins, Waller, Whitfield, Williams of Jackson, and Willhite, of the House—46.

Those who voted for Mr. Sanford are—

Messrs. Bell, Castens, Deason, Edwards, Felder, Garrett, Huckabee, Jackson of Morgan, Jones, Mitchell, Montgomery, Norwood, Powell of Macon, Sykes, Wilkinson, and Woodliff, of the Senate; Messrs. Ash, Ashford, Bankhead, Bethea, Bourland, Brooks, Bush, Callaway, Chapman, Clark of Lawrence, Cobb, Connelly, Culver, Davis of Barbour, Dobson, Doster, Edwards, Frazer, Freeman, Gibson, Goldthwaite, Hand, Hawthorne, Humphrey, Jones, Lawrence, Lindsey, Mabry, Malone, McBee, McCain, McCoy of Russell, McCoy of Tallapoosa, McMillan, Meadors, Moore of Coffee, Moore of Perry, Morse, Odum, Owens, Palmer, Pipkin, Plowman, Potter, Raisler, Reese, Richardson, Robinson of Baldwin, Robinson of Chambers, Sheffield, Smith of Choctaw, Smith of Jackson, Steadham, Stringer, Vansandt, Walker, Warren, Williams of Randolph, and Worthy, of the House—76.

Mr. Sanford having received a majority of all the votes cast, the Speaker declared him duly elected Attorney General for the State of Alabama, for the term prescribed by law.

The business of the Senate being concluded, the Senate returned to its chamber.

On motion, by Mr. Powell, of Tuscaloosa,

*Resolved*, That the Committee on Banks and Banking be instructed to inquire what action is necessary in relation to the present condition of the chartered banks in this State, and to report by bill or otherwise.

On motion, by Mr. Cooper,

*Resolved*, That the Committee on Education be instructed to inquire whether any change is necessary in the laws now in

force, and whether any other laws are necessary, and to report by bill or otherwise, at as early a day as practicable.

Mr. Wilkinson, from the Judiciary Committee, reported adversely to the bill—

To authorize the commissioners courts of the several counties in this State, to fix the value of Confederate money in said counties, for the years 1862, 1863, 1864 and 1865.

The report was concurred in.

On motion, by Mr. Jones,

The Senate adjourned until ten o'clock to-morrow morning.

SATURDAY, December 2.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Tichenor.

Upon the call of the districts, the following bills were introduced :

Mr. Kilpatrick, a bill to regulate the responsibility of parties to a contract ;

Which was read twice, under a suspension of the constitutional rule, and referred to the Committee on Freedmen.

Mr. Stansel, a bill to amend section 3106 of the Code, so as to make the penalty discretionary with the jury;

Mr. Ashley, a bill to prevent freedmen and others from owning fire arms and carrying concealed weapons ;

Which were severally read twice; under a suspension of the constitutional rule, and referred to the Judiciary Committee;

Mr. Felder, a bill to regulate the payment of costs of prosecution in criminal cases in which the defendants may be insolvent, in the county of Montgomery ;

Mr. Cooper, a bill to legalize the act of the Probate Court of Clark county, appointing R. H. Northrup, administrator of John Dortch, deceased, and to transfer said administration to Wilcox county ;

Which were severally read three times, under a suspension of the constitutional rule, and passed.

On motion, by Mr. Powell, of Macon,

*Resolved*, (the House of Representatives concurring,) That Dr. L. C. Garland, President of the State University, be, and he is hereby requested to address the two Houses of the General Assembly, and to present to them such information as will enable the General Assembly to legislate adversely upon the matters and interests of the institution, and that, for the purpose of hearing such address, the two Houses will convene in

the Hall of the House this afternoon, at half-past 3 o'clock, p. m.

A message from the House, by Mr. Fowler :

*Mr. President :*

The House has originated and passed the following bills:

To empower the commissioners' court of Winston county to issue bonds and to levy a special tax ;

To authorize W. D. Richardson to peddle in Coosa county.

To authorize William M. Hood to peddle in Cherokee county without a license ;

To authorize the commissioners' court of Morgan county to issue treasury notes to defray expenses in erecting a jail, and for other purposes.

The House concurs in the Senate resolution that the two Houses meet in convention at half past 3 o'clock, to hear the address of Dr. L. C. Garland.

Mr. Powell of Tuscaloosa, from the Committee on Internal Improvements, reported favorably to the House bill,

To amend an act to incorporate the N. E. & S. W. R. R. Company, so as to authorize said corporation to sell and transfer its franchise, assets, &c. ;

Mr. Barnes, from the Judiciary Committee, also, favorably to the bill,

To empower the probate judge of Madison county to grant letters of administration upon the estate of Jehu Geron ;

The bill was read a third time, under a suspension of the constitutional rule, and passed.

Mr. Felder from the Committee on Federal Relations, reported favorably to the bill,

To ratify the amendment to the Constitution of the United States, approved February 1st, 1865.

Mr. Lindsay moved to suspend the further consideration of the bill until Monday, 11 o'clock a. m.

Which was lost.

Mr. Barnes moved to postpone the further consideration of the bill, until half past 10 o'clock, Monday.

Which was carried.

Mr. Jackson, of Morgan, from Committee on Corporations, reported favorably to the bill,

To incorporate the Union Express Company, with certain amendments thereto ;

Which was adopted.

The hour of 11 o'clock having arrived the consideration of



the bill was suspended, and the Senate proceeded to consider the special order set for that hour, the first in order being the bill,

To provide for the printing and distribution of the decisions of the supreme court;

The constitutional rule was suspended, the bill read a third time, and passed.

The next special order—

Being the House resolution in relation to the election of a State Superintendent of Education, and Quartermaster General,

The question pending being on Mr. Felder's motion to strike out State Superintendent of Education.

On motion by Mr. Garrett,

The further consideration of the resolution was postponed until 12 o'clock on Monday.

The Senate resumed the consideration of the bill to incorporate the Union Express Company.

Mr. Lindsay moved to amend by additional section, as follows :

*Be it further enacted*, That nothing in this act shall prevent the Legislature, at any subsequent session, from altering or amending the same; Provided, that a vote of three-fourths of each House shall be necessary to so alter or amend.

On motion by Mr. Cooper,

The amendment was laid on the table.

Yeas 23; nays 6.

YEAS—Messrs. President, Ashley, Barnes, Cooper, Deason, Edwards, Forney, Foster, Gage, Garrett, Huckabee, Jackson of Lauderdale, Jackson of Morgan, Jones, Kilpatrick, Montgomery, Moren, Powell of Macon, Stansel, Sykes, Wilkinson, Winston, and Wood—23.

NAYS—Messrs. Drake, Lindsay, Mitchell, Norwood, Powell of Tuscaloosa, and Woodliff—6.

The constitutional rule was suspended, and the bill read a third time, and passed.

Yeas 27; nays 2.

YEAS—Messrs. President, Ashley, Barnes, Bell, Cooper, Deason, Drake, Edwards, Forney, Foster, Gage, Garrett, Huckabee, Jackson of Lauderdale, Jackson of Morgan, Jones, Kilpatrick, Montgomery, Moren, Powell of Macon, Powell of Tuscaloosa, Stansel, Sykes, Wilkinson, Winston, Wood and Woodliff—27.

NAYS—Messrs. Lindsay and Mitchell—2.

Mr. Sykes, from the Committee on Education, to which was

referred a resolution, to inquire whether there were at present any Trustees of the State University, reported that it was the opinion of the committee that there were none.

The report was concurred in.

Mr. Powell, of Tuscaloosa, presented an account of William Johnson, jailor of Tuscaloosa county, for boarding State prisoners ;

Which was referred to the committee on Accounts and Claims.

The House bills—

To authorize Wm. D. Richardson to peddle in Coosa county, without license ;

Authorizing Wm. M. Wood, of Chambers county, to peddle without license ;

Were read twice, under a suspension of the constitutional rule, and referred to the committee on Finance and Taxation.

The House bill to empower the commissioners' court of Winston county to issue county bonds, and to levy a special tax ;

Was read twice, under a suspension of the constitutional rule, and postponed, and made the special order for Monday next, 11 o'clock.

The House bill to authorize the commissioners' court of Morgan county to issue county treasury notes for the purpose of defraying the county expenses in erecting a county jail, and for other purposes,

Was read twice, under a suspension of the constitutional rule, and referred to the Judiciary Committee.

On motion of Mr. Edwards, the Senate adjourned until 20 minutes past 3 o'clock this afternoon.

#### AFTERNOON SESSION.

The Senate met pursuant to adjournment.

Message from the House by Mr. Fowler :

*Mr. President :*

The House of Representatives has adopted joint resolutions ratifying an amendment to the constitution of the United States.

The Senate proceeded to consider the joint resolutions ;

Which were read three times, under a suspension of the constitutional rule, and adopted.

Yeas 23 ; nays 5.

YEAS—Messrs. President, Barnes, Bell, Castens, Cooper, Deason, Edwards, Felder, Forney, Foster, Gage, Garrett, Huckabee, Jones, Mitchell, Montgomery, Moren, Norwood, Powell of Macon, Powell of Tuscaloosa, Stansel, Sykes, Winston, Wilkinson, Wood and Woodliff—23.

NAYS—Messrs. Ashley, Drake, Jackson of Lauderdale, Jackson of Morgan, and Kilpatrick—5.

Ordered that the resolution be sent forthwith to the House of Representatives.

The hour of half past three o'clock having arrived, the Senate was invited into the hall of the House, in accordance with a joint resolution adopted by the two Houses, in order to hear an address from Dr. L. C. Garland, President of the State University.

The Senate repaired to the hall of the House.

On motion by Mr. Stansel, of the Senate, a committee of three was appointed to wait on Dr. L. C. Garland, and introduce him to the convention.

Messrs. Stansel, Moren and Bethea were appointed the committee.

The committee retired for a short time, and reported that Dr. Garland had not been notified of the action of the two Houses, and therefore was not present;

And on his motion, the convention adjourned until half past three o'clock Monday next;

And that Dr. Garland be notified of the action of the convention.

The Senate returned to its chamber, and adjourned until Monday, 10 o'clock.

MONDAY, December 4.

The Senate met pursuant to adjournment.

The President laid before the Senate the following communication from Dr. L. C. Garland, President of the State University, which was ordered to be spread upon the Journal:

MONTGOMERY, December 4, 1865.

*To the Hon. the President of the Senate:*

I beg you to make known to the Senate the fact that I was not until 6 o'clock p. m., on Saturday last, apprized of the resolution of the Senate affording me an opportunity of addressing the Legislature on the subject of rebuilding the University. I

perceive that the courtesy is extended to three o'clock this afternoon, and I will gratefully avail myself of it.

I have the honor to be, with the highest consideration,  
Your obedient servant,  
L. C. GARLAND.

Mr. Jones, from Committee on Enrolled Bills, reported as correctly enrolled a bill to incorporate the town of Bluffton, in Chambers county.

Upon the call of the districts, the following bills were introduced :

Mr. Mitchell, a bill in relation to the use of fire arms by persons of color ;

Mr. Stansel, a bill to authorize the taking of depositions in criminal cases ;

Which were read twice, under a suspension of the constitutional rule, and referred to the Judiciary Committee.

Mr. Foster, a bill to authorize the Probate Judge of Sumter county, to grant an order to the guardian of Parkham Yarborough, a minor, to sell the lands of his ward, either at public or private sale ;

Mr. Moren, a bill for the relief of Richard H. Oakley, of Bibb county ;

Mr. President, (Mr. Powell, of Tuscaloosa, in the chair,) a bill for the regulation of the Police of Greenville ;

Which were severally read threetimes, under a suspension of the constitutional rule, and passed.

Ordered, that they be sent forthwith to the House.

Mr. Winston, a bill for the relief of Moses C. Newman, of DeKalb county, requiring the Governor to issue a patent to him ;

Which was read twice, under a suspension of the constitutional rule, and referred to the committee on 16th Sections ;

Mr. Barnes, a bill to protect Freedmen in their rights of person and property in this State ;

Which was read twice, under a suspension of the constitutional rule ;

Mr. Lindsay moved to reconsider the vote suspending the constitutional rule, to give the bill a third reading forthwith ;

Which was lost, and the bill was passed.

Yeas 20, Nays 12.

YEAS—Messrs. Barnes, Bell, Cooper, Forney, Foster, Gage, Garrett, Huckabee, Jones, Kilpatrick, Mitchell, Montgomery, Moren, Powell of Macon, Powell of Tuscaloosa, Stansel, Sykes, Winston, Wilkinson, and Wood—20.

**NAYS**—Messrs. President, Ashley, Castens, Deason, Drake, Edwards, Felder, Jackson of Lauderdale, Jackson of Morgan, Lindsay, Norwood, and Woodliff—12.

On motion of Mr. Moren;

*Resolved*, That the Provisional Governor be requested to communicate to the Senate what information he may have (if any,) concerning the records of Alabama soldiers, with such suggestions as he may choose to make thereon;

Also —

*Resolved*, That the Judiciary committee be instructed to inquire into and report whether under the second section of the second article of the amended Constitution of this State, it would be proper and expedient for the General Assembly to make any new counties, until the census of the State is taken, and it can be thereby ascertained whether the proposed new counties and those from which they are taken, contains a sufficient number of inhabitants to entitle them to one Representative under the existing ratio of representation.

On motion by Mr. Barnes;

*Resolved*, That the committee on Corporations be instructed to inquire into the rate of freight and fare charged and now being taken by the several Railroad companies of this State, and whether they or any of them are violating their charters in the enormous and unprecedented charges being made, and what legislation, if any, ought to be had, to protect the citizens of this State therefrom, with leave to report as early as convenient, by bill or otherwise.

On motion of Mr. Deason :

*Resolved*, That a committee of three be appointed for the purpose of inquiring into the nature and extent of the small pox in this city.

The President appointed Messrs. Deason, Moren and Bell, the committee.

On motion by Mr. Stansel :

*Resolved*, That the Doorkeeper provide proper seats for visitors in the Senate chamber, and that he furnish to the committee on Accounts and Claims a statement of the cost of the same for allowance.

On motion by Mr. Kilpatrick :

*Resolved*, That the committee on Military Affairs be instructed to learn, as near as possible, the number of soldiers from this State who are permanently disabled by wounds in the late war; and also the number of widows and orphans who were the relicts and children who were left by soldiers who died by disease or wounds, or were killed in the late war, with leave to

report by bill or otherwise such temporary or permanent relief as can or ought to be extended for the relief of them by the State.

On motion by Mr. Sykes :

*Resolved*, That so much of a resolution adopted as refers to that portion of the Provisional Governor's message relating to the Quartermasters Department, to a special committee of three, be rescinded, and that the same be referred to the committee on Military Affairs.

Mr. Barnes, from the Judiciary Committee, reported favorably to the bill

To prevent freedmen and other persons from owning firearms, and carrying concealed weapons.

Mr. Mitchell moved to amend by additional section, as section 4,

Which was adopted.

Mr. Stansel moved to strike out section 2, pending which motion,

The bill was recommitted to the committee on Freedmen.

The hour of half-past 10 o'clock having arrived, the Senate proceeded to consider the special order, it being the bill

To ratify an amendment to the constitution of the United States, approved February 1. 1865, as reported by the committee on Federal Relations.

Mr. Drake made the following minority report :

The minority of the committee being unable to concur in the report of the majority, submit the following reasons for its justification :

1. The proposed amendment is unnecessary, because the States lately at war with the United States, have, by a change of their constitutions, forever abolished slavery within their limits, and hence the first section has no field to operate upon.

2. In the alienation which exists between the two sections of country, intensified by the late clash of arms and legislation upon the civil rights of the negro by Congress. which the second section of the proposed amendment would seem to authorize and invite, and the leading representative men in the North are claiming in advance that power could not fail to hinder and delay the restoration of harmony and good fellowship between the two sections which is so much desired by the people of Alabama, as evinced by the action of the late Convention.

3. Accomplished as the recent abolition of slavery has been, by the success in arms, and by a change in the organic law of the several States, it is impossible that the slave institution ever can be revived in the Southern States.. Slaves, once freed,

can never be re-enslaved. The verdict of mankind, the powerless and hopeless minority in which the Southern States find themselves, would blast the last and faintest hope that any misguided enthusiast might entertain of accomplishing such result. Hence the sincerity of the members of the Republican party who professed to entertain fears for the re-installment of the black race cannot be credited. To obtain power by Congress to regulate the status of the negro, must necessarily be their object in "requiring" so unfortunately, this amendment.

4. Under our Federative system, the civil status of each citizen and inhabitant has been heretofore determined by each State for itself, the incorporation of the second section into the Federal Constitution will introduce a new rule, to-wit: that while the control of the civil relations of the white man will remain the same, that the black man will be liable to be transferred to Federal jurisdiction, and in the uncertain and unexplored future, it cannot be premised that the majority of Congress, in the effort to secure to the black man his rights, will not encroach upon the rights of the white man, clashing and collision will necessarily ensue; be the fault where it may, it will mar the harmony of our system of government and disturb the repose of society. In any conceivable conflict, the exercise of jurisdiction by the Federal government, which shall be by the Federal supreme court adjudged to be authorized by the said amendment, will override and prevail over the action and rulings of the State authorities. The result will be to establish the black race on a firmer and broader basis than will be allowed to the white race.

JOHN N. DRAKE.

On motion of Mr. Foster, the bill and report were laid on the table.

The next special order being the House resolution in relation to the election of State Superintendent of Education and Quartermaster General,

The question pending being the motion of Mr. Felder,  
To strike out "State Superintendent of Education ;"  
Which carried.

On motion by Mr. Forney,

"Adjutant and Inspector General" was added.

On motion by Mr. Stansel,

Trustees of the State University, were added.

On motion by Mr. Garrett,

Saturday was stricken out, and Tuesday, the 5th inst., was inserted.

Mr. Sykes moved to reconsider the vote striking out State Superintendent of Education.

Mr. Moren moved to lay that motion on the table, which carried.

Yeas 17 ; nays 14.

YEAS—Messrs. President, Bell, Cooper, Drake, Felder, Forney, Foster, Gage, Garrett, Huckabee, Mitchell, Montgomery, Moren, Powell of Tuscaloosa, Wilkinson, Winston, and Woodliff—17.

NAYS—Messrs. Castens, Deason, Edwards, Jackson of Lauderdale, Jackson of Morgan, Jones, Kilpatrick, Lindsay, Norwood, Powell of Macon, Stansel, Sykes, and Wood—14.

On motion by Mr. Cooper,

The House resolution, appointing a joint committee of the two Houses, to wait upon Hon. R. M. Patton, Governor elect, to ascertain when it would suit his convenience to enter upon the duties of his office,

Was taken from the table, and concurred in.

Messrs. Cooper, Sykes and Gage, were appointed the committee on the part of the Senate.

A message from the House by Mr. Fowler :

*Mr. President :*

The House has originated and passed the following bills :

Ratifying and confirming the election of members to Congress from this State, held on the 6th of November, 1865 ;

To authorize the removal of the administration of the estate of Stephen F. Pool, deceased, from the probate court of Marengo county to the probate court of Sumter county.

The House has also passed the Senate bill,

To authorize the mayor and aldermen of the city of Tuscaloosa to levy a special tax of one per cent. on the real and personal property within the limits of said city.

The House bill—

To empower the commissioners court of Winston county to issue county bonds and to levy a special tax,

Being the Special Order,

Was read a third time, and passed.

The House bill—

Ratifying and confirming the election of members to Congress from this State, held on the 6th day of November, 1865 ;

Was read twice, under a suspension of the constitutional rule, and referred to the Judiciary Committee.

The House bill—



To authorize the removal of the estate of Stephen F. Pool, deceased, from the probate court of Marengo county to the probate court of Sumter county,

Was read three times, under a suspension of the constitutional rule, and passed.

The House bill—

For the relief Margaret L. Estes, and Niceny Estes and their securities,

Was read the third time, and passed.

The Senate then adjourned until half-past 3 o'clock this afternoon.

#### AFTERNOON SESSION.

The Senate met pursuant to adjournment, and, upon invitation from the House, repaired to the Hall of the House, for the purpose of hearing the address of Dr. L. C. Garland, on the subject of the State University ;

At the conclusion of which the Senate returned to its chamber, and—

Adjourned until 10 o'clock to-morrow morning.

TUESDAY, December 5.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. McTyeire.

Upon the call of the districts, the following bills were introduced :

Mr. Felder, a bill to punish persons who induce laborers and servants to violate their contracts ;

Which was read twice, under a suspension of the constitutional rule, and referred to the Committee on Freedmen.

Also, a bill—

For the relief of the jailor of Montgomery county ;

Which was read twice, under a suspension of the constitutional rule.

Mr. Barnes moved to amend by inserting the county of Chambers.

On motion, by Mr. Garrett,

The bill and amendment were referred to the Committee on Finance and Taxation.

Mr. Foster, a bill for the relief of Wm. B. Horn, of Sumter county ;

Mr. Barnes, a bill to authorize the payment of turnkey fees of jailors ;

Mr. Montgomery, a bill to authorize the commissioners court of Talladega county to issue bonds to build a county jail;

Mr. Woodliff, a bill to amend section 1 of an act to incorporate the Grand Commandery of Knights Templar and the appendant orders of the State of Alabama, approved December 9, 1861;

Which were severally read three times, under a suspension of the constitutional rule, and passed.

Mr. Powell, of Tuscaloosa a bill to authorize the court of county commissioners of Tuscaloosa county, to settle and adjust claims against said county, and to issue bonds to pay the same.

Mr. Jackson, of Morgan, a bill to relieve the people of Alabama by stay of execution and otherwise;

Which were severally read twice, under a suspension of the constitutional rule, and referred to the Judiciary Committee.

Mr. Felder, a bill (accompanied with a memorial,) in relation to the three per cent. fund;

Which was read twice, under a suspension of the constitutional rule, and referred to the Committee on Internal Improvements.

Also, a bill to incorporate the Alabama Immigration, White Labor and Real Estate Agency;

Which was read twice, under a suspension of the constitutional rule, and referred to the Committee on Corporations.

A message from the Provisional Governor, through Samuel H. Dixon, his private secretary.

EXECUTIVE DEPARTMENT, }  
Montgomery, December 5, 1865. }

*To the Hon. W. H. Crenshaw, President of the Senate:*

Sir,—In reply to the resolution of the Senate, of 30th Nov., ult., in reference to school lands located in Arkansas and Louisiana, I respectfully refer to the message of Ex-Gov. A. B. Moore to the General Assembly, at the session of 1859 and 1860, an extract from which is herewith transmitted, which contains all the information I have been able to obtain on the subject, under the act in reference to school lands belonging to inhabitants of certain townships in this State, located in the States of Arkansas and Louisiana, approved February 8, 1858.

Nor does it appear that any thing has been done by any department of the State Government, so far as I have been able to ascertain.

LEWIS E. PARSONS,  
Prov. Gov. of Ala.

On motion by Mr. Lindsay, the message and accompanying extract were referred to the committee on 16th section.

Mr. Powell, from the Judiciary Committee, reported favorably to the bill—

To repeal certain acts therein named to prevent the sale of spirituous liquors to free persons of color, and for other purposes.

On motion by Mr. Garrett, the consideration of the bill was postponed, and made the special order for Friday, the 8th instant, at 11 o'clock.

Mr. Jones, from Committee on Enrolled Bills, reported as correctly enrolled a bill—

To authorize the mayor and aldermen of the city of Tuscaloosa to levy a special tax of one per cent. on the real and personal property within the limits of said city.

Mr. Deason, from the select committee appointed to inquire into the nature and extent of the small pox in this city, reported that there were 109 cases in the city hospital, and that all freedmen were removed from the city to the hospital so soon as it is known that they had contracted the disease, and that the disease was prevailing among the white population to a very limited extent.

Ordered that the report lie on the table.

On motion by Mr. Garrett—

*Resolved*, That the Committee on State Printing be instructed to inquire into the rate of compensation of the State Printers, and into the expediency of fixing the rate of payment upon the basis of a just compensation for work done on the one hand and economy on the other, with leave to report by bill or otherwise.

On motion by Mr. Huckabee—

*Resolved*, That the committee on military affairs be instructed to prepare a bill to reorganize the militia of the State.

On motion by Mr. Powell, of Macon—

*Resolved*, That the Committee on Freedmen be instructed to inquire into the expediency of authorizing the Commissioners' Courts to purchase, rent, or lease lands as in their discretion they may deem best in each county in the State, for the purpose of establishing farms, where homes may be furnished the aged, infirm and helpless among the freedmen of this State, and where persons of this class, convicted of vagrancy and other crimes, may be made to labor for the support of those who may be unable to support themselves, with leave to report by bill or otherwise.

On motion by Mr. Felder :

**Resolved,** That the committee on the Judiciary be instructed to inquire into the expediency of passing a law to protect persons whose property has been levied on by process under order from the military authorities so that such persons can replevy their property, with leave to report by bill or otherwise.

Message from the House by Mr. Fowler :

*Mr. President :*

The House of Representatives has originated and passed the following bills :

To prevent the court of county commissioners of Cherokee county from levying a greater tax than fifty per cent. on the State tax for county purposes;

To provide for the location of the courthouse in Dallas county ;

To re-enact the laws incorporating the town of Carrollton, in Pickens county ;

To amend the charter of the town of Gainesville, and to confirm an election ;

To supply books to the probate judge of Walker county ;

For the relief of Augustus C. Finley, of Chambers county ;

For the relief of Charles H. Phillips, of Chambers county ;

To authorize the Secretary of State to issue a patent to Green M. Haley, of Madison county, for certain lands therein described ;

Also, a memorial and joint resolutions to the President of the United States.

The House has amended the Senate amendment to the House resolution in relation to the election of a State Superintendent of Education and Quartermaster General, by striking out the words "trustees to the State University," and by striking out "Tuesday, the 5th instant," and inserting "Wednesday, the 7th instant," and, as thus amended, concurs in the same.

The Senate concurred in the House amendment to its amendment.

Mr. Lindsay, from the committee on Corporations, reported favorably to the House bill

To incorporate the Selma Fire and Marine Insurance Company.

The constitutional rule was suspended, and the bill read a third time, and passed.

The House memorial and joint resolutions to the President of the United States,

Were read and referred to the committee on Federal Relations.

The House bill,

To authorize the Secretary of State to issue a patent to Green M. Haley, of Madison county, for lands therein described;

Was read twice under a suspension of the constitutional rule, and referred to the Committee on 16th Section.

The House bills,

To prevent the court of county commissioners of Cherokee county. from levying a greater tax than fifty per cent. on the State tax for county purposes ;

To provide for the location of a court house in Dallas county ;

To re-enact the laws incorporating the town of Carrollton, in Pickens county ;

To amend the charter of the town of Gainesville, and confirm an election ;

To supply books to the probate judge of Walker county ;

For the relief of Augustus C. Finley, of Chambers county ;

For the relief Charles H. Phillips, of Chambers county ;

Were severally read three times under a suspension of the constitutional rule, and passed.

On motion by Mr. Jones, Senate adjourned until 10 o'clock, to-morrow morning.

WEDNESDAY, December 6.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. McTyeire.

Upon the call of the Districts, the following bills were introduced by

Mr. Mitchell, a bill to regulate license to sell ardent spirits ;

Mr. Deason, a bill for the relief of David Downing, of Jefferson county ;

Mr. Winston, a bill to provide for taking the census of Alabama for the year 1866, as ordered by an ordinance of the Convention of 1865 ;

Which were severally read twice under a suspension of the constitutional rule, and referred to the Judiciary Committee.

Mr. Garrett, a bill to change the time of holding the circuit court of the county of Coosa ;

Also, a joint resolution, directory to the State treasurer.

Also, a joint resolution directory to the Comptroller of Public Accounts.

Mr. Barnes, a bill to incorporate the town of Lafayette, in Chambers county ;

Mr. Lindsay, a bill to authorize Catharine B. Winston, administratrix of the estate of Isaac Winston, deceased, late of Franklin county, to sell certain property ;

Which were severally read three times, under a suspension of the constitutional rule, and passed.

Mr. Cooper, from the Committee on Freedmen, to which was referred various bills on the subject of vagrants and vagrancy, reported a bill,

Concerning vagrants and vagrancy, as a substitute therefor.

The substitute was adopted, and the bill read a third time and passed.

Mr. Lindsay, from the Committee on Corporations, reported favorably to the bill.

To incorporate the Alabama Immigration White Labor and Real Estate Agency Company ;

Which was read a third time, under a suspension of the constitutional rule, and its further consideration postponed, and made the special order for to-morrow, 11 o'clock.

Message from the House by Mr. Clanton :

*Mr. President :*

The House of Representatives has originated and passed a bill—

To authorize the commissioners court of Lauderdale county to issue treasury notes to pay for the building of important bridges, repairing the court-house, and for other purposes ;

To incorporate the Alabama Oil and Mining Company ;

To regulate the relation of master and apprentice, as relates to freedmen, free negroes and mulattoes ;

To regulate contracts between white persons and freedmen.

The House has amended, and as therein shown, passed the Senate bill,

To protect freedmen in their rights of person and property in this State.

Mr. Garrett offered the following preamble and resolution :

WHEREAS, The President of the United States has issued his proclamation, setting apart Thursday, the 7th inst., and recommending to the people of the United States, the observance of the same as a day of Thanksgiving ; Therefore,

*Resolved*, (The House of Representatives concurring,) That when the two Houses adjourn to-day, they adjourn to meet on Friday next, at the usual hour.

On motion by Mr. Cooper, the resolution was laid on the table.

The Senate refused to concur in the House amendment to the Senate bill,

To protect Freedmen in the right of person and property in this State, and appointed Messrs. Garrett, Barnes and Cooper, on the part of the Senate, a committee of conference as to the disagreement, and ask for a like committee on the part of the House.

Mr. Barnes presented the petition of certain citizens of Tallapoosa, Macon, Montgomery and Coosa counties, for a new county ;

Which was referred to the committee on County Boundaries.

The House bills—

To regulate contracts between white persons and freedmen ;

To regulate the relations of Masters' and Apprentices as relates to freedmen, free negroes and mulattoes ;

Which were read twice, under a suspension of the constitutional rule, and referred to the committee on freedmen.

The House bill, to authorize the Commissioners' Court of Lauderdale county to issue Treasury Notes to pay for the building of important Bridges, repairing the Court-House, and for other County purposes ;

Was read twice, under a suspension of the constitutional rule, and referred to the Judiciary Committee.

The House bill, to incorporate the Alabama Oil and Mining company ;

Was read twice, under a suspension of the constitutional rule, and referred to the committee on Corporations.

The hour of 12 o'clock having arrived, the Senate was invited into the Hall of the House for the purpose of proceeding with the election set for that hour.

The Senate repaired to the Hall of the House of Representatives, when the two Houses proceeded to elect a Quartermaster General for the State of Alabama ;

Frank L. Smith and R. T. Thom, of Montgomery, being in nomination—

Those who voted for Mr. Smith are—

Messrs. Barnes, Bell, Drake, Huckabee, Jackson of Lauderdale, Jackson of Morgan, Jones, Kilpatrick, Lindsay, Mitchell, Moren, Powell of Macon, Powell of Tuscaloosa, Slaughter, Stansel, Sykes, Winston, and Woodliff, of the Senate ; Messrs. Ash, Ashford, Bankhead, Borden, Bourland, Brandon, Bush, Chapman, Clark of Lawrence, Clark of Mobile, Cobb, Connelly, Cotten, Davis of Barbour, Dobson, Edwards, Ellis, Frazer,

Gibson, Goldthwaite, Goodwin, Grant, Hand, Hardie, Hare, Hawthorne, Henry, Jones, Lawrence, Ledbetter, Leeper, Mabry, Malloy, McAlexander, McBee, McCoy of Russell, McCoy of Tallapoosa, Moore of Perry, Morse, Oliver, Owens, Pierce, Potter, Reese, Robinson of Chambers, Savage, Sheffield, Smith of Choctaw, Steadham, Stringer, Sturdivant, Thrasher, Thorn, Tompkins, Vansandt, Walker, Waller, Warren, Whitfield, Williams of Randolph, Wilhite, and Worthy, of the House—79.

Those who voted for Mr. Thom were :

Messrs. President, Ashley, Castens, Cooper, Deason, Edwards, Felder, Forney, Cage, Garrett, Montgomery, Norwood and Wood, of the Senate ; and Messrs. Speaker, Bethea, Brooks, Caffey, Callaway, Clark of Mobile, Cox, Crenshaw, Culver, Doster, Frazer, Gafford, Judkins, Lanier, Lindsey, Malone, Manasco, McCain, McCann, McLester, Meadors, Moore of Coffee, Odum, Palmer, Padgett, Plowman, Raisler, Richardson, Robinson of Baldwin, Williams of Jackson, and Yonge, of the House—45.

Mr. Smith having received seventy-nine votes, it being a majority of all the votes cast, the Speaker declared him duly elected Quartermaster General for the State of Alabama, for the time prescribed by law.

The convention next proceeded to elect an Adjutant and Inspector General. The name of H. P. Watson alone being in nomination, and having received 126 votes, it being all the votes cast,

The Speaker declared him duly elected Adjutant and Inspector General for the State of Alabama, for the time prescribed by law.

The business of the convention being concluded, the Senate returned to its chamber.

The Senate proceeded to consider the special order, it being the resolution of Mr. Barnes proposing that the two Houses adjourn on Friday, the 8th instant, and meet again on the first Tuesday in February, 1866.

Mr. Powell, of Tuscaloosa, moved to amend by striking out "eighth" and inserting "fifteenth."

Also, strike out "the first Tuesday in February," and insert "fifteenth January."

Mr. Cooper moved to amend Mr. Powell's amendment by striking out "fifteenth" and inserting "twenty-fifth."

On motion by Mr. Barnes, the resolution and amendments were laid on the table.

Mr. Powell, from the committee on Internal Improvements, reported favorably to the bill



For the relief of the Opelika and Tuscumbia Railroad Company ;

Which was read a third time, under a suspension of the constitutional rule, and passed.

A message from the Provisional Governor by his private Secretary, Mr. Dixon :

*To the Hon. W. H. Crenshaw, President of the Senate :*

Sir—In response to the resolution of the Senate of the 4th instant, requesting me to communicate such information as I may have (if any) concerning records of Alabama soldiers, with such suggestions as I may have to make, I herewith submit a report made to me by W. H. Fowler, late Superintendent of army records for the State of Alabama, with the accompanying papers, which are made part of the message.

The records described herein are of great historical value to the State as illustrating the valor and suffering of her soldiers, and ought to be possessed and preserved by her. I respectfully recommend that the General Assembly shall make provisions to obtain the same in such manner as it may deem best.

LEWIS E. PARSONS,  
Prov. Gov. Ala.

On motion by Mr. Moren, the message and accompanying documents were referred to a select committee of three.

The President appointed Messrs. Moren, Kilpatrick and Forney the committee.

Mr. Edwards, from the Committee on Improvements, reported favorably to the bill,

In relation to the three per cent. fund.

On motion by Mr. Parsons, the bill was recommitted to the same committee, with instructions to report fully the appropriations referred to, and all other laws and facts connected with the subject.

Mr. Sykes offered the following resolution :

*Resolved*, (the House concurring,) That the two Houses of the General Assembly adjourn on Monday, the 11th inst., to meet on the last Monday in January, 1866.

Mr. Barnes moved to amend by substitute as follows :

*Resolved*, (the House of Representatives concurring,) That the two Houses of this General Assembly will adjourn so soon as the Governor elect shall be inaugurated and the laws in relation to contracts between freedmen and their employers, and to provide for raising money for the support of the Govern-

ment are perfected; to meet again on the — day of —, 1866.

Mr. Lindsay moved to lay the resolution and substitute on the table, which was lost. Yeas 12, nays 19.

YEAS—Messrs. Cooper, Drake, Garrett, Jackson of Lauderdale, Jackson of Morgan, Jones, Kilpatrick, Lindsay, Montgomery, Norwood, Powell of Macon, and Stansel—12.

NAYS—Messrs. President, Ashley, Barnes, Bell, Castens, Deason, Edwards, Felder, Forney, Gage, Huckabee, Mitchell, Moren, Sykes, Winston, Wood, Woodliff, and Wilkinson—18.

Mr. Ashley moved to lay the substitute on the table, which was carried. Yeas 16, nays 15.

YEAS—Messrs. President, Ashley, Bell, Castens, Deason, Forney, Foster, Huckabee, Jackson of Morgan, Jones, Moren, Stansel, Sykes, Wood, Woodliff, and Wilkinson—16.

NAYS—Messrs. Barnes, Cooper, Drake, Edwards, Felder, Gage, Garrett, Jackson of Lauderdale, Kilpatrick, Lindsay, Mitchell, Montgomery, Norwood, Powell of Macon, and Winston—15.

On motion by Mr. Moren,

The original resolution was laid on the table.

Mr. Cooper, from the Committee on Freedmen, reported favorably to the bill,

To prevent freedmen and others from owning fire-arms and carrying concealed weapons,

With the following amendment :

Insert after the word "that" in the first line of section 2, the words, "after the 20th January, 1866."

Pending the consideration of which,

On motion of Mr. Barnes,

The Senate adjourned until to-morrow morning, 10 o'clock.

THURSDAY, December 7th.

The Senate met pursuant to adjournment.

Mr. Sykes offered the following preamble and resolution :

WHEREAS, The President of the United States has set apart this day as a day of Thanksgiving ; and, whereas, it is the sense of the Senate that it is the duty, as well as privilege of the people to return thanks to Almighty God, for the blessings of peace and the prospect of a restoration of civil liberty ; Therefore,

*Resolved*, That the Senate do now adjourn until to-morrow morning 10 o'clock.

FRIDAY, December 8.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. McTyeire.

Mr. Huckabee introduced a bill—

To amend an act to incorporate the Dayton Female Academy, in the town of Dayton, Marengo county ;

Which was read three times, under a suspension of the constitutional rule, and passed.

Mr. Edwards, a bill for the relief of P. H. Brittan, late Secretary of State ;

Which was read twice, under a suspension of the constitutional rule, and referred to the Committee on Finance and Taxation.

On motion by Mr. Barnes,

*Resolved*, That the House be requested to return to the Senate,

A joint resolution directory to the State Treasurer ;

And also—

A joint resolution directory to the Comptroller of Public Accounts ;

Which was adopted. Yeas 16 ; nays 15.

YEAS—Messrs. Barnes, Castens, Cooper, Felder, Forney, Huckabee, Jackson of Lauderdale, Jackson of Morgan, Kilpatrick, Norwood, Powell of Macon, Slaughter, Stansel, Sykes, Wilkinson, and Winston—16.

NAYS—Messrs. President, Ashley, Bell, Deason, Drake, Foster, Gage, Garrett, Jones, Lindsay, Mitchell, Montgomery, Powell of Tuscaloosa, Wood, and Woodliff—15.

The Senate proceeded to consider the report pending at adjournment on Wednesday, upon the bill,

To prevent freedmen and other persons from owning firearms, and carrying concealed weapons ;

Which was read a third time under a suspension of the constitutional rule, and

On motion of Mr. Forney, its further consideration was postponed and made the special order for Monday next, 12 o'clock m.

Mr. Stansel, from the Judiciary Committee, reported favorably to the bill,

To authorize the taking of depositions in criminal cases, with amendment by additional section, as section 6 ;

Which was adopted, and the bill read a third time under a suspension of the constitutional rule, and passed.

Mr. Cooper, from the Committee on Freedmen, reported favorably to the House bill,

To regulate contracts between white persons and freedmen,  
with amendments thereto ;

Which were adopted.

And the bill was re-committed to the same committee.

Message from the House by Mr. Fowler.

*Mr. President.*

The House has passed the Senate bill,

To incorporate the city of Tuscumbia ;

And has amended as therein shown, and passed the Senate bill,

To provide for the distribution of food among the destitute families of this State ;

The House has originated and passed a bill,

To protect the freedmen of the State of Alabama.

The House insists on the amendment to the Senate bill,

To protect the freedmen of this State in their rights of person and property ;

And agrees to the appointment of a committee of conference in the matter of disagreement between the two Houses.

Messrs. Grant, Whitfield, and Jones, are the committee on the part of the House.

Mr. Barnes, from the Committee of Conference between the two Houses, upon the bill,

To protect the freedmen of this State in their rights of person and property ;

Reported that the committee recommend the adoption of the accompanying substitute for section second of the bill, as amended by the House ;

The Senate concurred in the report.

A message was received from the House,

Announcing that the House refused to concur in the report of the Committee of Conference upon the above bill.

Mr. Cooper, from the committee appointed to wait upon the Hon. R. M. Patton, Governor elect, and notify him of his election to the office of Governor, and ascertain when it would suit his convenience to be inaugurated, reported that next Monday was the day fixed upon ;

And recommended the adoption of the following resolution :

*Resolved*, (the House concurring,) That the two houses of the General Assembly convene in the Hall of the House of Represen-

tatives, on Monday next, at 12 o'clock, m., to inaugurate the Governor elect ;

Which was adopted.

On motion, by Mr. Garrett.

*Resolved*, (the House concurring,) That a committee of three on the part of each House be appointed to make arrangements for the inauguration of Hon. R. M. Patton as Governor of Alabama.

Messrs. Garrett, Sykes and Gage were appointed the committee on the part of the Senate.

The Senate concurred in the amendment of the House to the Senate bill—

To provide more effectually for the distribution of food among the destitute families of this State.

The House bill—

To protect the freedmen of the State of Alabama ;

Was read twice, under a suspension of the constitutional rule, and referred to the Committee on Freedmen.

The Senate proceeded to consider the special order, it being the bill—

To incorporate the Alabama Immigration, White Labor and Real Estate Agency Company.

The question being on the passage of the bill, it was passed.

Yeas, 20 ; nays, 13.

YEAS—Messrs. President, Ashley, Barnes, Bell, Castens, Cooper, Deason, Felder, Forney, Gage, Huckabee, Jackson of Morgan, Jones, Kilpatrick, Lindsey, Mitchell, Powell of Macon, Powell of Tuscaloosa, Slaughter, and Sykes—20.

Messrs. Drake, Edwards, Foster, Garrett, Jackson of Lauderdale, Montgomery, Moren, Wilkinson, Winston, Wood, and Woodliff—13.

A message from the House by Mr. Fowler:

*Mr. President,*

The House has adopted a resolution respectfully requesting the Senate to return to the House the bill—

To protect freedmen in this State in their rights of person and property,

Upon which the House refused to concur in the report of the Committee of Conference of the two Houses.

Mr. Kilpatrick, from the Judiciary Committee, reported favorably to the House bill—

To authorize the commissioners' court of Morgan county to

issue treasury notes for the purpose of defraying the county expenses for the year 1865, in erecting a county jail, and for other purposes.

Mr. Powell, from the same committee, also favorably to the bill

To authorize the court of county commissioners of Tuscaloosa county to settle and adjust claims against said county, and to issue bonds to pay the same.

Mr. Forney, from the same committee, also favorably to the House bill—

To authorize the commissioners' court of Lauderdale county to issue treasury notes to pay for the building of important bridges, repairing of court house, and for other county purposes.

Mr. Ashley, also, from the committee on Sixteenth Sections, favorably to the bill

For the relief of Moses C. Newman, of DeKalb county, requiring the Governor to cause a patent to be issued;

Which were read a third time, under a suspension of the constitutional rule, and passed.

Mr. Sykes, from the committee on Freedmen, reported favorably to the House bill

To regulate the relation of master and apprentice, as relates to freedmen, free negroes and mulattoes, with amendments thereto, as follows:

First, in the 6th and 13th line of section first, strike out "probate court" and insert "overseers of the poor."

At the end of first section, add as follows: "And the overseer of the poor shall be entitled to a fee of one dollar for each minor so apprenticed, to be paid by the master or mistress to whom said minor may be apprenticed, with other amendments to make the bill conform to the amendments made to the first section."

Amend further, by additional section, as section 11.

Pending the consideration of which, on motion of Mr. Garrett, the Senate adjourned until this afternoon, 3 o'clock.

#### AFTERNOON SESSION.

The Senate met pursuant to adjournment.

On motion by Mr. Garrett, the consideration of the report of the committee pending at adjournment was suspended to allow him to offer the following resolution:

*Resolved*, That (with the concurrence of the House) the two Houses of the General Assembly will adjourn on Tuesday, the 12th instant, at 12 o'clock m., to meet again in adjourned ses-

sion, at the Capitol, on Monday the 15th day of January, 1866, at 10 o'clock a. m.

Mr. Foster called for a division of the question, and the question being on the first branch of the resolution, as to the time of adjournment.

Mr. Edwards moved to amend, by striking out "Tuesday" and inserting "Wednesday";

Which was lost.

Mr. Jackson moved to insert "19th";

Which was lost.

Mr. Powell of Tuscaloosa, moved to strike out "Tuesday the 12th," and insert "Friday the 15th";

A division of the question being called for, the question was first taken on striking out;

Which was put and lost.

The resolution was adopted. Yeas 20, Nays 7.

YEAS—Messrs. President, Ashley, Barnes, Bell, Castens, Deason, Felder, Foster, Gage, Garrett, Huckabee, Jones, Montgomery, Powell of Tuscaloosa, Stansel, Sykes, Winston, Wilkinson, Wood, and Woodliff—20.

NAYS—Messrs. Cooper, Edwards, Jackson of Lauderdale, Jackson of Morgan, Kilpatrick, Norwood, and Powell of Macon—7.

Message from the House by Mr. Fowler :

*Mr. President:*

The House refuses to concur in the report of the committee conference upon the Senate bill,

To protect freedmen in their rights of person and property;

And Messrs. Waller, Whitfield and Cox, are appointed another committee of conference upon the matter of disagreement between the two Houses, and asks for a like committee on the part of the Senate.

The Senate agreed to the appointment of another committee of conference;

Messrs. Garrett, Barnes and Cooper, were appointed the committee on the part of the Senate.

Mr. Jones from the committee on Enrolled Bills, reported as correctly enrolled, the bill, to provide more effectually for the distribution of food among the destitute of this State.

Mr. Gage, by leave, introduced a bill, to explain sections 6th and 20th of the charter of the city of Mobile.

Mr. Cooper, also, a bill to amend section 1902, of the Code;

Which were severally read three times under a suspension of the constitutional rule, and passed.

Mr. Deason, from the Committee on Corporations, reported favorably to the bill,

To incorporate the Alabama Oil and Mining Company, and

To incorporate the Moore's Bridge Turnpike Company of Tuscaloosa county.

Mr. Ashley, from the Committee on 16th Sections, reported favorably to the House bill,

To authorize the Secretary of State to issue a patent to Green M. Haley, of Marion county, for certain lands therein described ;

Which were severally read a third time, and passed.

Mr. Woodliff presented a petition from various citizens of the several counties of Cherokee, Calhoun, St. Clair, Blount, Marshall and DeKalb, praying for the formation of a new county, the centre of which would be at or near Gadsden, in Cherokee county ;

Which was referred to the Committee on County Boundaries.

Mr. Jones, from the Judiciary Committee, to which was referred a resolution of inquiry, whether under the 2d section of the 2d article of the Constitution of Alabama, it would be proper and expedient for the General Assembly to make any new counties until the census of the State is taken,

Reported that, it was the opinion of the committee that it is inexpedient to form any new county until the taking of the census of the State.

The report was concurred in.

The Senate proceeded to consider the bill and report pending at adjournment this morning, it being

The House bill—

To regulate the relation of master and apprentice, as relates to freedmen, free negroes and mulattoes.

The question pending being on the adoption of the amendments reported by the committee,

Mr. Barnes moved to amend the 1st amendment of the committee by substitute, as follows :

Insert after the words "probate court," the words, "overseers of the poor ;"

Which was adopted.

Mr. Huckabee moved to lay the amendment, as amended, on the table, which carried.

Mr. Powell, of Tuscaloosa, moved to amend the 1st section by adding the following proviso :



Provided, That in all cases arising under the provisions of this act, the judge of probate shall determine from the evidence whether such minor should be apprenticed or not, and that the judge of probate shall make a record of all the proceedings in each case, for which he shall be entitled to a compensation of \$1.00, to be paid by the master or mistress.

A division being called for, on motion by Mr. Garrett, the first branch of the proviso was laid on the table.

The second branch of the proviso was adopted.

Mr. Castens moved to amend the second section, by striking out "eighteen" where it occurred in the last line,

Which was lost.

Mr. Garrett moved to amend section 5, by striking out the words "probate court," in the 10th line, and inserting "any justice of the peace in the county."

Which was lost.

Mr. Garrett moved to amend by striking out the word "high" before the word "misdemeanor," in the ninth line of section 5:

Which was carried.

Mr. Sykes moved to reconsider the vote refusing to strike out "judge of probate," and inserting "any justice of the peace in the county;"

Pending which motion,

On motion of Mr. Garrett, the bill and amendments were re-committed to the Judiciary Committee.

On motion by Mr. Wilkinson, the Senate adjourned until 10 o'clock to morrow morning.

SATURDAY, December 9.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. McTyeire.

Upon the call of the Districts, the following bills were introduced:

Mr. Kilpatrick, a bill for the relief of Samuel W. Hutchinson;

Mr. Forney, a bill to amend an act to incorporate the Coosa Navigation and Coal Mining Company, approved February 24, 1860;

Which were severally read three times, under a suspension of the constitutional rule, and passed.

Mr. Stansel, a bill to authorize the substitution of lost records of judgments and decrees of courts, and other records;

Mr. Jones, a bill to amend section 3178 of the code;

Which were severally read twice under a suspension of the constitutional rule, and referred to the Judiciary Committee.

Message from the House by Mr. Fowler :

*Mr. President,*

The House of Representatives has adopted the following resolution :

*Resolved*, That a committee of three be appointed on the part of the House to act with a like committee on the part of the Senate, to make the necessary arrangements for the inauguration of the Governor elect.

Messrs. Goodwin, Whitfield and Cox, are the committee on the part of the House.

The House has originated and passed the following bills :

To authorize the Governor to exercise the pardoning power before conviction ;

To authorize the commissioners' court of Limestone county to issue county treasury notes for the purpose of building a court-house and important bridges in said county ;

For the relief of George N. Tippens ;

Declaring Hulda Clayton, of DeKalb county, a free dealer ;

To authorize the issuance of execution on certain judgments, without a revival of such judgments ;

To incorporate the town of Richmond, in Dallas county ;

To authorize the Governor to furnish copies of the last returns of the assessment of taxes to the Probate Judges of the several counties in which the county records have been destroyed ;

The more effectually to prevent grand larceny, arson and burglary ;

For the relief of Jessie Y. Auston, administrator of the estate of John H. Fauss, deceased ;

To repeal an act to reduce the fees of the county surveyor of DeKalb county ;

To make Nancy C. Campbell a free dealer.

The House has passed the following Senate bills—

To provide for the printing and distribution of the reports of the decisions of the Supreme Court ;

To explain sections 6 and 20 of the charter of the city of Mobile ;

To amend section 3147 of the Code, so as to prevent embezzlement and fraudulent conversion by bailees.

In compliance with the request of the Senate, the House of Representatives herewith return to the Senate—

A joint resolution directory to the Comptroller of Public Accounts ;

Also, a joint resolution directory to the State Treasurer.

The House concurs in the report of the second committee of conference upon the Senate bill—

To protect freedmen in their rights of person and property in this State.

The House of Representatives has adopted the following resolution by a vote of two-thirds of the whole House, as required :

*Resolved*, By the House of Representatives, (the Senate concurring,) That, in the opinion of this General Assembly, the public interests of the Senate requires that the present General Assembly shall remain in session longer than thirty days, and that it will adjourn on the 15th day of December, instant, and will convene again on the 15th day of January, 1866.

Mr. Sykes moved that the votes adopting the resolution in regard to the inauguration of the Governor elect, on Monday next, and the resolution in relation to the adjournment of the General Assembly be reconsidered.

The further consideration of the motion was postponed until the business of the Senate was disposed of.

Mr. Garrett, from the Conference Committee on the bill—

To protect freedmen in their rights of person and property in this State,

Reported a substitute for section 2 of the bill to come in at the end, and to be made a part of section 1, and asked the concurrence of the Senate therein.

The report was concurred in.

Mr. Cooper introduced a bill—

To regulate contracts with freedmen, and to enforce the same ;

Which was read twice, under a suspension of the constitutional rule.

Mr. Lindsay moved to amend the section by striking out the words, "respectable witnesses," where it occurs, and insert the words, "white citizens" ;

Which was adopted.

Also, amend, by striking out section three ;

Which was adopted.

Also, amend section four, by striking out three hundred and inserting one hundred ;

Which was adopted.

Mr. Cooper moved to amend, by inserting after the word

“employer,” in top line of section five, the following words, “unless such offence is above the grade of misdemeanor by the laws of Alabama”;

Which was adopted.

Mr. Lindsay, moved to amend section sixth, by striking out all after the words “and” in third line from last, and inserting the words, “be subjected to the pains and penalties of the vagrant laws which may then be in force in this State”;

Which was adopted.

Mr. Wilkinson, moved to strike out the words, “and shall also, be fined in the sum not exceeding two hundred dollars”;

Which was adopted.

Mr. Lindsay, moved to strike out section eight;

Which was carried.

Mr. Huckabee, moved to amend section ninth, by adding the following proviso; *Provided*, That the provisions of this section shall not apply to the owners of the plantation or farm on which the crop is raised;

Which was lost.

On motion by Mr. Winkinson, section ninth was stricken out;

Mr. Lindsay, moved to amend, by additional section as follows:

Sec. —. *Be it further enacted*, That the Mayor, Intendant, or other like officer of incorporated towns, be, and they are hereby invested with the powers given by this act to Justices of the Peace;

Which was adopted.

Mr. Mitchell, moved to amend the first section by proviso, as follows:

*Provided*, That every freedman shall by the 20th day of January, 1866, and annually thereafter, have a lawful home or employment, and in default thereof, shall be subjected to all the pains and penalties of such vagrant laws as may then be in force in this State;

Which was lost.

Mr. Ashley, moved to amend section tenth by adding the following proviso:

*Provided*, That those persons known as Creoles, specially excepted by treaties heretofore made, be exempted from the operations of this act;

Which was adopted.

The constitutional rule was suspended, and the bill read the third time and passed.

Mr. Jones, from the committee on Enrolled Bills, reported

as correctly enrolled, a bill to protect freedmen in their rights of person and property, in this State ; and

To explain section 6th and 20th of the charter of the city of Mobile.

Message from the Provisional Governor by Mr. J. B. Taylor his private secretary :

*Mr. President :*

His Excellency, the Governor, has approved the Senate bill—

To protect Freedmen in their rights of person and property.

Mr. Lindsay, from the Committee on Corporation, reported the better to accomplish the object of the resolution, instructing said committee to inquire into the rate of freight and fare charged by Railroads in this State, invited Chas. T. Pollard, President of the Montgomery and West Point R. R., to a personal interview, to obtain from him all possible information pertinent to the subject of inquiry. Mr. Pollard promptly and courteously responded to the invitation, and on the suggestion of the committee consented to submit to them in writing a succinct statement of facts connected with the matter under consideration. This statement we ask leave to report for the information of the Senate.

Mr. Barnes moved that the subject be recommitted to the same committee, with instructions to report more fully in accordance with the resolution ;

Referred to same committee ;

Pending which motion, the Senate, on motion of Mr. Powell, of Tuscaloosa, adjourned until 10 o'clock Monday morning.

MONDAY, December 11.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. McTyeire.

Message from the House by Mr. Fowler,

*Mr. President :*

The House of Representatives has adopted the following resolution :

*Resolved*, That with the concurrence of the Senate, that the ceremonies of the inauguration of the Governor elect be postponed until Wednesday next, the 13th instant, at 12 o'clock m.

On motion by Mr. Garrett, the call of the districts was sus-

pended to enable them to make a report, and for the purpose of considering the above resolution from the House.

Mr. Garrett, from the joint select committee to make arrangements for the inauguration of the Governor elect, reported the following resolution, and recommended its adoption :

*Resolved*, That the ceremony of the inauguration of the Governor elect be postponed until Wednesday next, the 13th inst., at 12 o'clock m.

The resolution was laid on the table, and the House resolution was concurred in.

Upon the call of the Districts,

The following bills were introduced :

Mr. Gage, a bill to regulate the compensation of the Governor ;

Was read twice, under a suspension of the constitutional rule, and referred to the Committee on Finance and Taxation.

Mr. Powell, of Macon, a bill to authorize notaries public to administer affidavits without seal ;

Mr. Felder, a bill to amend section 1276 of the Code ;

Mr. Huckabee, a bill to give the probate court of Marengo county, jurisdiction of the estate of L. R. Terrell, deceased, late of Perry county ;

Mr. Lindsay, a bill to incorporate the Tennessee Oil and Mining Company ;

Which were severally read three times, under a suspension of the constitutional rule, and passed.

Mr. Cooper, a bill to incorporate the Traveller's Insurance Company ;

Which was read twice, under a suspension of the constitutional rule, and referred to the Committee on Corporations.

Mr. Powell, of Tuscaloosa, a bill to amend section 1215 of the Code, in relation to apprenticeship ;

Mr. Stansel, a bill for the relief of executors and administrators of insolvent estates ;

Which were read twice, under a suspension of the constitutional rule, and referred to the Judiciary Committee.

Reports from committees being next in order,

The Senate proceeded to consider the report from the committee on Corporations, pending at adjournment on Saturday.

The question pending being on the motion of Mr. Barnes, to recommit to the same committee, which carried.

Mr. Lindsay, from the Committee on Corporations, reported favorably to the House bill,

To incorporate the Pleasant Ridge Male Academy, in the county of Greene ;

The constitutional rule was suspended, and the bill read a third time, and passed.

Mr. Stansel, from the Judiciary Committee, reported favorably to the bill,

To provide for lost or burnt records in the county of Jefferson ;

Which was concurred in.

Mr. Gage, from the Committee on Finance and Taxation, reported adversely to the bill,

For the relief of the jailor of Montgomery county ;

The report was concurred in.

Mr. Felder, from the committee on Federal Relations, reported favorably to the House memorial and joint resolution to the President of the United States.

The memorial and resolutions were adopted.

A message from the House by Mr. Fowler :

*Mr. President :*

The House of Representatives has originated and passed the following bills :

Authorizing the transfer of the estate of Patrick Calhoun, deceased, from Montgomery to Russell county ;

To amend an act incorporating the Prattville Male and Female Academy, in Autauga county ;

For the relief of Frances E. Hooks, administratrix of the estate of T. J. Hooks, of Pike county ;

To compensate commissioners appointed to administer and register oaths ;

For the relief of James Cole, of DeKalb county, granting him the privilege of selling goods free from taxation ;

To prevent persons from purchasing or receiving stolen goods.

Mr. Jones, from the committee on Enrolled Bills, reported the following as being correctly enrolled :

To amend section 31 and 47 of the Code, so as to prevent embezzlement and fraudulent conversions by bailers ;

To provide for the printing and distribution of the decisions of the Supreme Court.

The Senate proceeded to consider the House resolution prolonging the session of this General Assembly beyond the period of thirty days, as limited by the constitution, and fixing the day of adjournment of the two houses on Friday, the 15th instant, and the re-assembling on the 15th day of January.

Mr. Moren moved to amend the resolution by inserting the

words "at 12 o'clock m." after the words "December instant,"  
Which was adopted.

Mr. Deason moved to strike out "Friday, the 15th instant,"  
and insert "Thursday, the 14th instant,"

Which was adopted.

Mr. Cooper moved to strike out the "15th" and insert the  
"29th" as the day of re-assembling,

Which was lost. Yeas 13 ; nays 18.

YEAS—Messrs. President, Bell, Cooper, Foster, Gage, Huckabee, Jackson of Lauderdale, Jackson of Morgan, Montgomery, Moren, Stansel, Sykes and Wood—13.

NAYS—Messrs. Barnes, Castens, Deason, Drake, Edwards, Foster, Garrett, Jones, Kilpatrick, Lindsay, Norwood, Powell of Macon, Powell of Tuscaloosa, Slaughter, Winston, Wilkinson, and Woodliff—18.

Mr. Cooper moved to amend by striking out the 15th and insert the 22d, which was lost. Yes 14, nays 16.

YEAS—Messrs. President, Cooper, Deason, Felder, Gage, Huckabee, Jackson of Lauderdale, Jackson of Morgan, Montgomery, Moren, Powell of Macon, Stansel, Sykes, and Wood—14.

NAYS—Messrs. Barnes, Bell, Castens, Drake, Edwards, Forney, Foster, Garrett, Jones, Kilpatrick, Lindsay, Norwood, Powell of Tuscaloosa, Slaughter, Winston, Wilkinson, and Woodliff—16.

The resolution was adopted. Yeas 27, nays 4.

YEAS—Messrs. President, Barnes, Bell, Castens, Deason, Drake, Edwards, Felder, Forney, Foster, Gage, Garrett, Huckabee, Jackson of Lauderdale, Jones, Kilpatrick, Montgomery, Moren, Powell of Macon, Powell of Tuscaloosa, Slaughter, Stansel, Sykes, Wilkinson, Winston, Wood and Woodliff—22.

NAYS—Messrs. Cooper, Jackson of Morgan, Lindsay, and Norwood—4.

Ordered to be sent forthwith to the House.

Mr. Kilpatrick presented a communication from the Labor Regulation Association of Clarke county, which was referred to the Committee on Freedmen.

On motion by Mr. Moren, leave of absence was granted to Mr. Mitchell.

Mr. Cooper introduced a bill to regulate proceedings before justices of the peace in cases of misdemeanor cognizable before them, which was read twice under a suspension of the constitutional rule, and referred to the Committee on the Judiciary.

Mr. Garrett presented an account of W. B. & A. R. Bell, which was referred to the Committee on Accounts and Claims.

The House bill,



To obtain and preserve records of Alabama soldiers;

Which was read twice under a suspension of the constitutional rule, and referred to a select committee of three, composed of Mr. Moren, Forney and Kilpatrick.

The House bill to authorize the Governor to exercise the pardoning power before conviction;

To authorize the commissioners' court of Limestone county, to build a court house, and important bridges in said county;

To make Mary C. Campbell a free dealer;

To repeal an act to reduce the fees of the county surveyor of DeKalb county;

Declaring Hulda Clayton, of DeKalb county, a free dealer;

For the relief of George U. Tippins;

To compensate commissioners appointed to administer and register oaths to voters;

To authorize the Governor to furnish copies of the last returns of the assessment of taxes to the probate judges of the several counties in which the county records have been destroyed;

Authorizing the transfer of the estate of Patrick Calhoun, deceased, from Montgomery county to Russell;

Were severally read three times, under a suspension of the constitutional rule, and passed.

The House bills—

To prevent persons from purchasing or receiving stolen goods;

For the relief of Francis E. Hooks, as administratrix of the estate of T. J. Hooks, deceased, of Pike county;

To authorize the issuance of execution on certain judgments without a revival of such judgments;

More effectually to prevent the offences of grand larceny, arson and burglary;

For the relief of Jesse Y. Houston, administrator of the estate of John H. Fariss, deceased;

To aid in preserving peace in the State of Alabama;

Were severally read twice, under a suspension of the constitutional rule, and referred to the Judiciary Committee.

The House bills—

To incorporate the town of Richmond, in Dallas county;

To amend an act incorporating the Prattville Male and Female Academy, in the county of Autauga;

Were severally read twice, under a suspension of the constitutional rule, and referred to the Committee on Corporations.

The House bill for the relief of James Cole, of DeKalb

county, granting him the privilege of selling goods free from taxation,

Was read twice, under a suspension of the constitutional rule, and referred to the Committee on Finance and Taxation.

The Senate proceeded to consider the special orders, being the bills—

To repeal certain acts therein named to prevent the sale of spirituous liquors to free persons of color, and for other purposes.

And to prevent freedmen and other persons from owning fire-arms and carrying concealed weapons ;

The consideration of both of which was postponed and made the special order for to-morrow 12 o'clock m.

Mr Garrett moved to adjourn until 3 o'clock this afternoon ;

Which was lost.

On motion of Mr. Huckabee, the Senate adjourned until to-morrow morning 10 o'clock.

TUESDAY, December 12.

Senate met pursuant to adjournment.

Upon the call of the Districts, the following bills were introduced :

Mr. Winston, a bill regulating proceedings before justices of the peace, in cases of assault, and assault and battery, and affrays ;

Which was read twice under a suspension of the constitutional rule and referred to the Judiciary Committee.

Mr. Garrett, a bill to provide for the issue of State bonds ;

Also, a bill to provide for the payment of the interest upon State bonds and the issue of bonds by the State to aid such payment ;

Also, a bill to continue in force an act to renew and extend the time of payment of certain State bonds therein named, approved November 4th, 1861 ;

Which were severally read twice under a suspension of the constitutional rule, and referred to the Committee on Finance and Taxation.

Also, presented a communication of British holders of Southern State and corporation bonds, as published in the Montgomery Advertiser, of December 10th, inst. ;

Which was referred to the same committee.

Mr. Foster, a bill to incorporate the Alabama Mutual Fire Insurance Company ;

Which was read twice under a suspension of the constitutional rule, and referred to the Committee on Corporations.

Mr. Cooper, a bill to authorize justices of the peace to take cognizance of, and try cases of petit larceny ;

Which was read twice under a suspension of the constitutional rule, and referred to the Judiciary Committee.

Mr. Sykes, a bill to amend section 3794 of the code relating to vagrants ;

Also, a bill to amend section 1215 of the code, relating to apprentices ;

Which were severally read three times, under a suspension of the constitutional rule and passed.

Mr. Stansel, from the Judiciary Committee, reported favorably to the bill,

To authorize the substitution of lost records of judgments and decrees of courts and other records ;

Mr. Powell of Tuscaloosa, also, favorably to the bill to punish the offering to bribe to commit offences ;

Mr. Jones, also, favorably to the bill to amend section 3178 of the Code ;

Mr. Wilkinson, also, favorably to the House bill—

For the relief of Frances E. Hooks, as administratrix of the estate of T. J. Hooks, deceased, of Pike county ;

Mr. Kilpatrick, also, favorably to the House bill—

Ratifying and confirming the election of members to Congress from this State held on the 6th day of November, 1865 ;

Mr. Deason, from the Committee on Corporations, also, favorably to the House bill—

To incorporate the town of Richmond, in Dallas county ;

Mr. Moren, from a select committee, also favorably to the House bill—

To obtain and preserve the records of Alabama soldiers ;

Mr. Jones, from the Judiciary Committee, reported favorably to the bill—

To restore to a debtor common law right of an honest preference amongst his creditors, and to repeal section 1556 of the Code, which took away that right ;

Mr. Norwood, from the Committee on Corporations, reported favorably to the House bill—

To amend an act incorporating the Prattville Male Academy, in Autauga county ;

All of which were severally read a third time, under a suspension of the constitutional rule, and passed.

Mr. Barnes, from the Judiciary Committee, reported favorably to the House bill—

To prevent persons from purchasing or receiving stolen goods, with an amendment, as follows :

Insert after the word "property" in the 5th line, the words, knowing the same to have been stolen ;"

Which was adopted,

And the bill read a third time and passed.

Also, from the same committee, reported favorably, with various amendments to the House bill—

To regulate the relation of master and apprentice, as relates to freedmen, free negroes and mulattoes.

The amendments were adopted, and the bill read a third time, under a suspension of the constitutional rule, and passed.

Ordered forthwith to the House.

Message from the House by Mr. Fowler :

*Mr. President :*

The House of Representatives has passed the Senate bill—

To regulate contracts with freedmen, and to enforce the same.

The House has originated and passed the following bills :

To remove the jurisdiction of the estate of Benj. Gibson, deceased, from Tallapoosa to Macon county ;

For the relief of James W. Ligon, late jailor of Franklin county.

The House refuses to concur in the amendment of the Senate to the resolution of the House in relation to adjournment.

The Senate proceeded to consider, and,

On motion, by Mr. Garrett,

The Senate receded from its amendment.

*Ordered*, That the House be immediately notified of the action of the Senate.

Mr. Lindsay, from the Committee on Corporations, reported favorably to the bill—

To incorporate the Traveller's Insurance Company, of Alabama,

With an amendment, striking out section 5 ;

Which was adopted,

And the bill was read a third time, under a suspension of the constitutional rule, and passed.

Mr. Winston, from the Judiciary Committee, reported adversely to the bill—

To authorize parties, when sued for the purchase money of

slaves, to plead a breach of warranty as an offset to the recovery on such contracts.

The report was concurred in.

Mr. Foster, from the Committee on the Insane Asylum, to which was referred the annual report of the trustees of said institution, reported—

That no legislation on the subject could be of any practical benefit, because the State has no means on hand which can be applied to the use of that institution, at this time. They recommend that the report be spread upon the journal.

The report was concurred in.

#### ANNUAL REPORT.

*To the Governor of the State of Alabama, Montgomery, Alabama :*

The Trustees of the Insane Hospital respectfully submit to your excellency the following brief report :

There has been admitted, in the hospital, since its opening, in July, 1861 .....	177	patients
Discharged cured .....	54	"
Discharged improved .....	23	"
Eloped .....	6	"
Died .....	38	"
Remaining under treatment .....	56	"

The hospital has been ably managed by its resident officers, although its progress has been much curtailed, and now completely arrested, by the inability of the State and county authorities to pay the board of the indigent patients. Since last January, no money has been received from any public source, (Mobile county excepted,) and the trustees have been compelled to close the doors of the institution against numbers of persons clamorous for admission ; and even to dismiss such of the patients as could safely be returned to the delinquent counties. This will account for the large number of discharges, and the comparatively small number of patients at present under treatment.

An appropriation contingent upon the sale of State bonds bearing six per cent. interest, to be sold at not less than par. was made by the last convention, and the present Legislature was instructed by that body to grant such additional aid as might become necessary to keep the institution in effectual operation. You need hardly be reminded that nothing has yet been accomplished, and the appropriation has not yet been realized.

As your Excellency can testify, the trustees have not failed on every possible occasion, to present this important matter in its strongest light. In its capacity for usefulness, and in reputation, this hospital is second to none in the South. It is free from debt not more than covered by credits, and if the latter were available no special aid would now be required.

Impressed with a due sense of the great interests at stake, both in a moral and pecuniary aspect, the trustees feel, in view of the responsibility imposed upon them as christian men and officers of the State, that they will have done their whole duty when they frankly declare that unless the promised aid is promptly rendered, the functions of the institution must cease, and its helpless inmates driven from its doors into the streets of Tuscaloosa. Than such an issue, it were better that the God-like instincts that prompted the enterprize had never been called into action.

We remain, very respectfully,

REUBEN SEARCY, President,

B. MANLY,

JAMES GUILD,

Resident Trustees.

Tuscaloosa, November, 1865.

The House bill to remove the jurisdiction of the estate of Benjamin Gibson, deceased, from Tallapoosa to Macon county ;

Was read three times, under a suspension of the constitutional rule, and passed.

The House bill, for the relief of J. W. Ligon, late Sheriff of Franklin county ;

Was read twice, under a suspension of the constitutional rule, and referred to the committee on Finance and Taxation.

On motion of Mr. Stansel :

*Resolved*, That the committee on the State Capitol be instructed to have the break in the roof of the Capital repaired.

On motion by Mr. Jones, the Senate adjourned until 10 o'clock to-morrow morning.

WEDNESDAY, December 13.

The Senate met pursuant to adjournment.

*Mr. President*

Laid before the Senate a report from John A. Graham, late Auditor of the Treasury, in response to a resolution of the Senate :

Which was referred to the committee on Finance and Taxation.

Upon the call of the Districts, the following bills were introduced—

Mr. Jackson, of Lauderdale, a bill to suspend proceedings for the collection of debts and the payment of judgments, orders and decrees ;

Which was read twice, under a suspension of the constitutional rule, and referred to the Judiciary Committee.

Mr. Barnes, a bill to carry out the proceedings of an act in reference to School Lands belonging to inhabitants of certain townships in this State, located in Arkansas and Louisiana ;

Which was read twice, under a constitutional rule, and referred to the committee on 16th sections.

Mr. Norwood, a bill to incorporate the Tennessee River and North Alabama Mining and Manufacturing company ;

Also, a bill, to incorporate the Alabama Iron, Mining, Manufacturing and Transportation company ;

Which were severally read three times, under a suspension of the constitutional rule, and passed.

Mr. Jones, from the committee on Enrolled Bills, reported as correctly enrolled, a bill to regulate contracts with freedmen, and to enforce the same.

Message from the House by Mr. Fowler :

*Mr. President :*

•The House of Representatives concurs in the amendment of the Senate to the House bill, to regulate the relation of Master and Apprentice as relates to freedmen, free negroes and mulattoes.

The House has passed the following Senate bills :

For the relief of Wm. Horn, of Sumter county ;

For the regulation of the police of the town of Greenville ;

To incorporate the town of Lafayette, in the county of Chambers ;

To amend an act to incorporate the Coosa Navigation and Coal Mining Company ;

To legalize the marriage of John P. Logan and Martha A. Smith, of Macon county.

The House has originated and passed the following bills :

To repeal an act entitled an act in relation to the appointment of apportioners and overseers of public roads ;

To amend the charter of the Selma and Meridian Railroad Company ;

For the relief of the chartered insurance companies of Mobile ;

To amend an act to incorporate the City Savings Association of Mobile ;

To incorporate the Mobile Trade Company ;

To amend an act entitled an act to incorporate the town of Livingston, the county site of Sumter county ;

To incorporate the town of Mount Andrews, in Barbour county ;

To incorporate the Southern Rock Oil Company ;

To amend an act amendatory of an act to incorporate the Alabama Direct Trade and Exchange company ;

To incorporate the city of Demopolis ;

Relating to the administration of the estate of William McDowell, deceased ;

To give a lien on the crop and stock for advances to assist in making the crop ;

To authorize the commissioners' court of St. Clair county to divide said county into four commissioners' districts ;

To authorize the commissioners' court of Washington county to issue bonds or notes to re-build bridges and repair public roads in said county ;

To authorize the judge of the first judicial circuit to hold a special term of the circuit court for Dallas county ;

To re-enact the laws incorporating the town of Oxford, in Calhoun county, and to give the corporate authorities additional powers ;

To renew the charter of the town of Courtland, in Lawrence county ;

To give the probate court of Dallas county jurisdiction of the estate of Joel Riggs, deceased ;

For the relief of the widow and heirs at law of the late Dr. Henry McKenzie, of Talladega county ;

Empowering the city council of Selma to levy a special tax ;

To authorize the commissioners' court of Dallas and Monroe counties to borrow money ;

To establish the time of holding the regular annual meeting of the General Assembly of this State.

The House has passed the Senate bill—

To authorize the Probate Judge of Sumter county to grant an order to the guardian of Parham Yarbrough, a minor, to sell the lands belonging to said minor, either at public or private sale.

The House has adopted the following resolution :

*Resolved*, (the Senate concurring) That the two Houses of



the General Assembly will convene in the hall of the House on Thursday, the 14th inst., at 12 m., for the purpose of electing a State Superintendent of Education.

Mr. Garrett, from the Committee on Finance and Taxation, reported a substitute to the bill—

To provide for the issue of State Bonds.

Mr. Lindsay moved to postpone the consideration of the report until the 16th day of January ;

Which was lost.

Yeas, 9 ; nays, 21.

YEAS—Messrs. Drake, Felder, Jackson of Lauderdale, Jackson of Morgan, Jones, Lindsay, Norwood, Stansel, and Wood—9.

NAYS—Messrs. President, Ashley, Barnes, Bell, Castens, Cooper, Deason, Forney, Foster, Gage, Garrett, Huckabee, Kilpatrick, Montgomery, Moren, Powell of Macon, Powell of Tuscaloosa, Slaughter, Sykes, Wilkinson, Wood, and Woodliff—21.

Mr. Lindsay moved to strike out the word “one million,” in section 1 ;

Which was lost.

Yeas, 11 ; nays, 20.

YEAS—Messrs. Drake, Felder, Foster, Jackson of Lauderdale, Jackson of Morgan, Jones, Lindsay, Montgomery, Norwood, Stansel, and Wood—11.

NAYS—Messrs. President, Ashley, Barnes, Bell, Castens, Cooper, Deason, Forney, Gage, Garrett, Huckabee, Kilpatrick, Moren, Powell of Macon, Powell of Tuscaloosa, Slaughter, Sykes, Wilkinson, Winston, and Woodliff—20.

The substitute was adopted.

Yeas, 22 ; nays, 10.

YEAS—Messrs. President, Ashley, Barnes, Bell, Castens, Cooper, Deason, Edwards, Forney, Foster, Gage, Garrett, Huckabee, Kilpatrick, Moren, Powell of Macon, Powell of Tuscaloosa, Slaughter, Sykes, Wilkinson, Winston and Woodliff—22.

NAYS—Messrs. Drake, Felder, Jackson of Lauderdale, Jackson of Morgan, Jones, Lindsay, Montgomery, Norwood, Stansel, and Wood—10.

The bill was read a third time and passed.

Mr. Garrett, from same committee, reported a substitute for the bill,

To provide for the payment of the interest upon State bonds and the issue of bonds by the State to aid such payments.

The substitute was adopted and passed.

Mr. Garrett, from same committee, reported a substitute for the bill,

To continue in force an act entitled an act to renew and extend the term of payment of certain State bonds therein named, approved November 4th, 1861, with the following title:

To renew and extend the time of payment of certain State bonds therein named ;

Which was adopted.

Mr. Lindsay moved to strike out "commissioner and trustee," and insert "State treasurer," which was lost.

The bill was read a third time, under a suspension of the constitutional rule, and passed.

Mr. Jones, from the Judiciary Committee, reported adversely to the bill,

To amend section 1215 of the Code in relation to apprentices.

The report was concurred in.

Mr. Moren, from the Committee on Finance and Taxation, reported adversely to the House bill,

For the relief of James Cole, of DeKalb county, granting him the privilege of selling goods free from taxation.

The report was concurred in.

Mr. Moren, from the Committee on Accounts and Claims, to which was referred the account of W. B. & A. R. Bell & Co., reported a bill,

For the relief of W. B. & A. R. Bell & Co. ;

Which was read three times, under a suspension of the constitutional rule, and passed.

Mr. Ashley, from the Committee on Finance and Taxation, to which was referred the House bills,

To authorize Wm. D. Richardson to peddle in Coosa county without license,

And to authorize Wm. M. Wood, of Cherokee county, to peddle without license ;

Reported, that while they sympathize deeply, both individually and as a class, with those unfortunate men left destitute and maimed by the late war, they at the same time would deem it an act of great injustice to grant "special privileges" to a few of these worthy and gallant men, while we left the great mass of them, though equally meritorious and unfortunate, to struggle unaided with penury and misfortune.

Another serious objection to this class of legislation is, the destruction of an important source of revenue to the State, and the unsettling of all estimates in this important branch of the public service.

The committee for these reasons report adversely to the bills.

The report was concurred in.

Mr. Powell, of Tuscaloosa, from the Judiciary Committee, reported favorably to the House bill

To authorize the issuance of execution on certain judgments without a revival of such judgments.

Mr. Wilkinson, from the same committee, also favorably to the bill

For the relief of David Downey, of Jefferson county.

Mr. Cooper, also from same committee, favorably to the bill

To amend section 3107 of the Code, so as to make the penalty discretionary with the jury.

The constitutional rule was suspended, and the bills read a third time and passed.

Mr. Felder, from the Judiciary Committee, reported favorably to the bill to prevent trespasses.

On motion of Mr. Barnes, the consideration of the bill was postponed, and made the special order for to-morrow, at half-past ten o'clock.

Mr. Stansel, from the Judiciary Committee, reported favorably to the House bill more effectually to prevent grand larceny, arson, and burglary.

Mr. Powell, of Tuscaloosa, moved to lay the bill on the table,

Which was lost.

The constitutional rule was suspended, and the bill read a third and passed.

Mr. Felder, from the same committee, reported adversely to the House bill

To aid in preserving peace in the State of Alabama.

As a bill on the same subject has already passed the Senate, the report was concurred in.

The House bills—

For the relief of the widows and heirs of Dr. Henry McKenzie, deceased, of Talladega county ;

To repeal an act entitled an act in relation to the appointment of overseers and apportioners of public roads ;

To amend the charter of the Selma and Meridian Railroad Company ;

And, joint resolutions, authorizing the printing of all laws relative to freedmen;

Were severally read three times under a suspension of the constitutional rule, and passed.

The House memorial and joint resolutions to the President

of the United States, in relation to the withdrawal of the Federal troops from the State of Alabama ;

Were adopted.

The House bill,

For the relief of the chartered Insurance companies of Mobile,

Was read twice under a suspension of the constitutional rule, and referred to the Committee on Corporations.

The hour of 12 o'clock m. having arrived, the Senate was invited into the hall of the House of Representatives, for the purpose of inaugurating Hon. Robert M. Patton, Governor elect of the State of Alabama.

The Senate repaired to the hall of the House, when the Provisional Governor, Lewis E. Parsons, and the Governor elect, with Rev. Dr. Petrie, Chaplain of the Day, escorted by the Committee of Arrangements of the two Houses, and General H. P. Watson, Marshal of the Day, took their places upon the speaker's stand, when, after prayer by Rev. Dr. Petrie, the Hon. Robert M. Patton delivered the following

### INAUGURAL ADDRESS.

*Gentlemen of the Senate and House of Representatives :*

Having been elected Governor of the State of Alabama, I appear before you to-day, for the purpose of taking the oath prescribed by the constitution, and entering formally upon the duties of the office. Profoundly grateful for the distinguished honor which has been conferred upon me, I am by no means insensible of the heavy weight of the responsibilities which rest upon the Chief Executive of the State, particularly at the present time. I assume the duties of this high position under circumstances which are peculiarly embarrassing. Our country is beset on every side with difficulties which seem almost insurmountable. But relying upon the support and assistance of the co-ordinate departments of the State government, and trusting that a generous people will look with kind forbearance upon whatever errors I may commit, and that an All-wise and good Providence will direct me in all my thoughts and conclusions, I willingly enter upon the difficult task before me. By a firm and earnest application of my best energy and abilities to the high service to which I have been called by the popular will, I hope to justify, in some measure at least, that great trust which has been reposed in me by my confiding countrymen.

By an act of Congress, approved March 2, 1819, the State of Alabama became one of the members of the Federal Union.

The relation then established between our State and the General government, remained uninterrupted for a period of nearly half a century. During that time, the people never felt the slightest pressure of real political troubles. In 1819, the State was comparatively a wilderness. In 1860 it literally bloomed and blossomed as the rose. From the feebleness of tender infancy, it had grown to gigantic manhood. The few settlements of hardy and adventurous pioneers, situated at remote distances from each other throughout its vast area, expanded to a dense and wealthy population.

At the beginning of the year 1861, Alabama contained nearly one million of inhabitants, and all branches of industry and trade were prosperous. Villages, towns and cities were flourishing, and internal improvements were rapidly and satisfactorily progressing. We had everything in the most bounteous measure which was essential to make home happy. Our high state of agricultural prosperity may be readily appreciated by reference to the single article of cotton, the annual product of which had reached nearly 1,000,000 bales. Official reports show that the number of bales produced in 1860 was 997,978. This amount of cotton, by fair computation, was worth in the markets of the world, not less than \$50,000,000. Alabama had become the largest cotton growing State in the Union, producing about one-fifth of the entire American crop.

Nor was it in agriculture alone that our State was prospering. Our commercial, manufacturing and mechanical interests, and internal improvements were all advancing in a highly satisfactory degree.

Thus we see that, as a peaceful and quiet member of the Federal Union, we had grown from an infant State, to one of greatness, wealth and power. Our growth was gradual, healthful, vigorous, and substantial. No people can attain to such a high state of prosperity without the protecting hand of a government to maintain political tranquillity, and enforce civil order in the land. That quiet and order Alabama enjoyed without the slightest molestation from the time she entered the Union, in 1819, until the unfortunate events of the spring of 1861. Then we were brought to a sudden and violent halt in our proud and rapid march on the highroad of prosperity and happiness.

On the 11th day of January, 1861, a Convention of the State passed an ordinance declaring, in effect, that the people of Alabama were thenceforth absolved from all allegiance to the government of the United States. Those who took this step maintained the theory, that a State had the constitutional

right to dissolve its connection with the Federal Union, and decided that the time had come when it was expedient and proper to sever the relations which bound us to the general government.

I trust that it will not be considered inconsistent with the proprieties of the occasion to state that I did not concur in this reasoning. My judgment did not approve of either the doctrine or act of secession. I thought that the position assumed by Alabama and the other Southern States, would precipitate the Northern and Southern States into an unnatural and protracted war. But while firmly entertaining this opinion, I deemed it a duty, as a citizen of Alabama, to yield a peaceable obedience to what had been done. Painfully apprehending that the step which had been taken would bring ruin upon us, I nevertheless held myself bound by the authoritative decree which was deliberately pronounced by the people through a Convention of their own choice. I can point to this action, on my part, as at least attesting my devotion to all the regular forms of authority in the State, and as some proof of my readiness to share the fate of my fellow-citizens, under any and all circumstances, whatever that fate may be.

I should have rejoiced, if the events which flowed from the Ordinance of Secession had been different from what I apprehended. I would have been most happy if the great problem presented by the action of the Southern States had found some solution which would have saved us from the direful calamities of civil war. But, unfortunately, such was not the case. The United States government disputed the claim of secession, and resolved to maintain its authority over the entire Union, at every hazard.

The Southern States with equal firmness resolved to stand by the position they had taken, and a conflict of arms ensued. War becoming then inevitable, the Southern people rushed to the field with great unanimity; and this gave some ground for the hope that the struggle would at least be of short duration. But even those who cherished this fond hope were doomed to disappointment. When the issue of arms was joined, the martial spirit of the whole country was aroused. The war at once assumed such gigantic proportions as to render it palpable that the conflict was to be stubborn, protracted, sanguinary, and destructive beyond all parallel in the history of civil wars. All efforts to check or mitigate its ruinous course were fruitless; for four years it swept over our land like a sulphurous sirocco, and scarcely a locality in the South escaped its devastating blast.

The ability and skill with which our prominent Generals conducted their respective campaigns, and the energy and bravery with which our patriotic soldiers fought, excited the admiration of the civilized world. But, with all the ability of our Generals, and all the bravery of our soldiers, the war resulted adversely to the South. When our eminent commanders were forced to capitulate they bore themselves with a chivalry and manliness which secured from their triumphant adversaries such terms as were eminently magnanimous and honorable. When the arms of the United States became supreme, the Confederate forces were subjected to no humiliating submission. Their honorable pride was not offended. They were accorded every privilege which modern civilization concedes to a brave and patriotic, though vanquished foe.

Of the wide waste and ruin which the war has wrought upon our once happy country, Alabama has suffered a full share. Of her brave sons who entered the army it may be safely stated that from thirty-five to forty thousand perished in the service. In material wealth, her loss in one species of property alone—that of slaves—is not less than two hundred and fifty millions of dollars; and the aggregate amount of losses in the various other descriptions of property must be equally as much. Hence we find that, in this State alone, we have sustained a loss, in actual and substantial wealth, of at least five hundred millions of dollars.

In this brief reference to the events of the last four years, I do not wish to be understood as seeking to vindicate the correctness of opinions which I entertained and expressed at the incipieney of our late troubles. It is true, that disaster and ruin were predicted; but Heaven knows I take no pleasure in pointing to the fulfillment. Those events are now historic, and we should only recur to them in that calm and philosophic spirit with which we may appeal to any other history for profitable lessons to guide us in our actions while dealing with the momentous present, and preparing for the dubious, and even threatening future. For this purpose I think we may all profit much by contrasting the prosperity and happiness which our country enjoyed at the beginning of the recent war, with its present crippled and almost ruined condition. In doing this we should forget the contentions, bickerings, passions, excitements and dissensions through which we have passed; or if we cannot forget, let us at least rise above them. Let us be as one man; and if we are unable to recover that which has been lost, it becomes us to bend our united energies in saving and improving that which remains to us.

The war closed with Andrew Johnson as President of the United States. The South lay prostrate and helpless, at the feet of Federal power. During the war, the legislation of Congress was necessarily tinged with the passions of the times, and upon the return of peace there were found upon the National statute book some of the most stringent and proscriptive laws for the punishment of persons and confiscation of property. There was but one way by which we could escape the severe penalties of these rigorous enactments, and that was through the pardoning power of the President.

Soon after the surrender of the Southern armies, the President, by Proclamation and the appointment of Provisional Governors, announced his terms of amnesty, and the policy by which he proposed to restore harmonious relations to the recently discordant States. Under all the circumstances, associated with the new condition of things, it must be confessed that the terms of amnesty were as liberal as could have been reasonably expected. To the great mass of our countrymen a pardon was tendered upon the simple condition of taking an oath to support the Constitution and laws of the United States, and the Union of the States thereunder, including a pledge of obedience to the Presidential Proclamations relative to slavery. This condition was readily and cheerfully complied with. The various classes who were excepted from this liberal condition, and who could only obtain amnesty by special action on the part of the Executive, have presented their applications in large numbers ; and the anxiety with which they seek for favorable action on their respective cases, gives evidence of the sincerity with which our whole people are endeavoring to conform to the full requirements of the times.

The reconstruction or restoration policy of the President was duly submitted to the people of Alabama, and has been unhesitatingly accepted by them. It may be safely asserted that, as far as the work of reconstruction has progressed in this State, it has been in strict conformity with what was understood to be the policy of the General Government. Without undue murmuring, and in perfect good faith, our people have patriotically conformed to all the exigences of the situation. They fully and fairly accept the results of the war, with all their legitimate consequences.

Candor and sincerity are prominent traits of Southern character. Our people never dissemble ; they always mean what they say and do. Their high character in this regard is so well established, that all reasonable men, in every part of the country, must award full credit for their every action since the ter-



mination of the war. Our soldiers bore themselves with manliness when they laid down their arms, and have observed their paroles with scrupulous good faith. Returning home, they sunk the soldier into the citizen; and cordially uniting with other citizens they have given the whole weight of their potent influence in forwarding the great work of restoration. Patiently and uncomplainingly obedient to all the requirements of the Constitution, laws, and even military orders of the United States since the war closed, the people of Alabama have given every possible evidence which human action can furnish, of unfeigned integrity of purpose, and devoted loyalty to the General Government. We may rightfully claim, therefore, that our State is fully entitled to be placed in that position in the Union where she will stand as the political equal of any other State under the Federal Constitution. In this faithful acquiescence in results, and this sincere desire for the restoration to amicable and harmonious relations with the other States of the Union, there are no party divisions among us. Those who favored, and those who opposed secession now stand firmly and heartily together.

Having thus, as I maintain, given ample evidence of our purpose to perform our whole duty towards the General Government, let us now address ourselves to more local State affairs.

The depression which the war has wrought upon the country, bears directly and with heavy weight, upon our State finances. Our treasury is depleted, and the resources from which we have heretofore drawn our revenue are greatly diminished. Slaves formerly constituted a large portion of the property upon which taxes were assessed. But that species of property is now gone, and as a matter of course, we will have to modify our tax laws in reference to the remaining taxable resources of the State.

In the year 1845, the bonded liabilities of Alabama amounted to over \$10,000,000. This heavy indebtedness was created, in part, at least, by a system of banking, the general operations of which proved deleterious to the public interest. But by a wise and judicious policy, this large debt has been so far reduced, that our liabilities on account of State bonds, at the present time, amount to but \$3,445,000. These bonds are payable as follows: \$2,109,000, payable in the city of New York, and bearing only five per cent. interest; \$648,000 payable in London, and bearing also five per cent. interest; and the remainder, \$688,000, payable likewise in London, bearing an interest of six per cent. per annum. This is comparatively a

small debt, which comes completely within the financial control and management of the State.

It may, perhaps, be proper to state here, that all that is absolutely necessary to be paid in connection with this bonded debt, is the annual interest. It is stipulated upon the face of the bond that the period for which they are to run may be extended indefinitely, as they fall due, if need be, at the pleasure of the State. But of course, in order to maintain the credit of those bonds, the interest thereon must be faithfully and promptly paid. Up to the period of the commencement of the war, the State's credit had been so jealously guarded that her bonds, though drawing a low rate of interest, commanded a premium in the leading markets of the world. We should by all means be careful to maintain our good reputation in this regard.

In addition to this bonded debt, the State has obligations as Trustee for the Common School and University Funds. The Common School Fund consists of the proceeds of the sales of the 16th section in each township of the public lands, given to the State by the General Government for educational purposes. This fund, amounting \$1,807,099 65, is held in trust by the State, and the interest arising thereon is to be applied to the support of common schools. Then there is the University Fund, amounting to \$300,000 00, the interest upon which belongs to that highly valuable institution, the University of Alabama. These trust funds should be held sacred, and the proceeds faithfully applied to the great purposes of education for which they were created. The cause of popular education I have always regarded as of the highest interest and importance; and it has peculiar claims upon us at the present time. One of the results of the war has been to leave a large number of orphans who are chiefly if not wholly dependent upon our public schools for their education. We have, therefore, additional reasons for continuing, even with increased efficiency, if possible, that system of popular schools which has always conferred so many benefits upon the youth of the State.

The question of raising the amount of revenue which will be necessary for the various purposes of the State Government, is one of great importance. The property in slaves being destroyed, we know that the existing tax laws will not be sufficient for the purpose; and in the modification of those laws, we cannot be indifferent to the depression under which the industrial and business interests of the State are suffering. So far as we can, consistently with sound policy and the necessities of the State, we should refrain from imposing additional burdens upon the people at the present time.

In providing for the wants of the State for the present fiscal year, we will doubtless have to resort to a loan. This I think we may do without any serious detriment to our State finances. We have the assurance of Northern capitalists that as soon as Alabama resumes her proper place in the Federal Union, the requisite loan can be negotiated on advantageous terms.

We may reasonably hope that by the next fiscal year the various interests of the people will have reached that point of prosperity which will enable us to realize from taxation a sufficient amount of revenue for all the purposes of the State. Our people are energetic, industrious and enterprising, and we may confidently anticipate a speedy revival of agricultural, manufacturing, commercial and mechanical prosperity which will enable us to raise not only what is essential to defray the current expenses of the State—including the interest on our indebtedness—but even a surplus, for a sinking fund, to be applied to the redemption of our funded debt.

There is much suffering in Alabama, which calls for relief at the hands of the State Government. Many appeals will reach us to which we cannot turn a deaf ear. That portion of our indebtedness which was incurred for carrying on the war, has been annulled and set aside. It has been decided that this course, in regard to that debt, is one of the logical results of the war. But we cannot disregard the debt of gratitude which we owe to those heroic men who went to the battle-field in obedience to the authority which was wielded over them, in part, at least, by our State Government. Many of them fell upon the field of carnage; many returned to desolate and ruined homes; while many survived the war, maimed or disabled for life, and are now helpless. The destitute widows and orphans of those who sacrificed their lives, should not be allowed to suffer; the dependent and helpless living should be provided for. The General Government has magnanimously remitted the legal penalty incurred by the Confederate soldier, but upon its bounteous coffers he has no claim for reward or assistance. It is true that generous provisions are being made for present assistance to all classes of our suffering population by Gen. Swayne, an able, just and highly efficient agent of the United States government. But to Alabama alone can the suffering Alabama soldier make his appeal for permanent relief.

A sudden and radical change has been wrought in our labor system. The extinction of slavery is one of the inevitable results of the war. The relation heretofore existing between the whites and blacks has been totally changed. The negroes are now free, and this stubborn fact is fully and unequivocally

recognized. How far governmental action may be able to promote the common interest of the two races in their suddenly changed condition is a great problem which time alone can solve.

The normal vocation of the negro is that of a cultivator of the soil. The soil and climate of Alabama are peculiarly adapted to the growth of cotton—that great staple which wields a most potent influence in the commercial world. Land owners are dependent upon the negroes for the labor which is necessary to produce cotton. Hence the negroes have but to avail themselves of the advantages which they possess as cultivators of cotton lands, to make for themselves an independent living. In their new condition their future happiness or misery depends entirely upon themselves. They will find no disposition on the part of the whites to oppress them, withhold from them any of those rights to which they are entitled as freedmen.

The recent Convention of the State adopted an ordinance, imperatively requiring the Legislature, at its present session, to provide full protection for the persons and property of the colored population. Of course, it is assumed that the Legislature will take the required action in this regard. In all this we see the evidence of a firm purpose to deal fairly and justly with the freedman in his new condition. We will not only extend to him all his legitimate rights, but will throw around him such effective safeguards, as will secure him in their full and complete enjoyment. More than this, I am persuaded, our Northern brethren cannot and will not ask of us. At the same time it must be understood that, politically and socially, ours is a white man's government. In the future, as has been the case in the past, the State affairs of Alabama must be guided and controlled by the superior intelligence of the white man. The negro must also be made to realize that freedom does not mean idleness or vagrancy. Emancipation has not left him where he can live without work.

Let us hope that, by a judicious policy on the part of the State, and prudence on the part of planters and others employing negroes, we may not experience that interruption in the development of our industrial resources which might, at first view, have been apprehended from the sudden and radical change to which our labor system has been subject. It may be, indeed, that, by additional energy, and bolder enterprises, we may find ourselves, at no distant day, on a higher road to prosperity and greatness than we were likely to attain under the old system. At any rate, let us hope for the best. We have vast resour-

ces, which capital, science and labor will develop in due time. All these will find inviting fields in Alabama.

I have necessarily touched but briefly upon topics pertaining to State policy. I shall perhaps have occasion to refer to them more fully in formal communications to the Legislature.

Allow me to say, gentlemen, in conclusion, that since the close of the war, it has been evidently the studied purpose of our people to move in full harmony with the avowed policy of the National administration. This attests the high confidence which is reposed in the ability, integrity and patriotism of President Johnson. I have no hesitation in expressing the belief that the President is doing everything in his power to advance the best interests of the whole country, both North and South. In his high and responsible position, he has given the most indubitable evidence of his purpose to administer the affairs of the government in a spirit of fairness, justice, and conservative nationality. I consider it clearly our duty to give him our cordial and earnest support in the patriotic course which he is pursuing.

The oath of office was administered to the Governor elect by the Speaker of the House of Representative, when, after benediction by the Chaplain, the Senate returned to its chamber.

The Senate then adjourned until to-morrow morning, 10 o'clock.

#### THURSDAY, December 14.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Davis.

By leave, Mr. Foster offered the following resolution :

*Resolved*, That a committee of three be appointed to wait upon Hon. R. M. Patton, Governor, and Hon. L. E. Parsons, late Provisional Governor, and request of each of them a copy of their addresses delivered before the General Assembly on yesterday, and in the event that copies are furnished, that two thousand copies of each address be printed for the use of the Senate ;

Which was adopted.

The Senate proceeded to consider the House resolution to elect a State Superintendent of Education to-day at 12 o'clock m.

The resolution was concurred in.

On motion by Mr. Winston, the call of the Districts was suspended to consider the House bill,

To give a lien on the crop and stock, for advances made to assist in making crops ;

Which was read three times, under a suspension of the constitutional rule, and passed.

Upon the call of the Districts, the following bills were introduced.

Mr. Gage, a bill to authorize the commissioners' court of Mobile county to receive certain funds from the Bank of Mobile; and to apply the same to certain purposes ;

Mr. Garrett, a bill to repeal in part, and amend the charter of the South Alabama Manufacturing company ;

Mr. Barnes, a bill to extend the criminal laws in this State, applicable to free persons of color, freedmen, free negroes, and mulattoes ;

Which were severally read three times, under a suspension of the constitutional rule, and passed.

Mr. Huckabee, a bill to incorporate the Alabama Oil and Mining Company ;

Which was read twice, under a suspension of the constitutional rule, and referred to the Committee on Corporations.

Mr. Jones, from Committee on Enrolled Bills,

Reported as correctly enrolled, the bills,

To legalize the marriage of John P. Logan, and Martha A. Smith, of Macon county ;

For the relief of William R. Horne, of Sumter county ;

Mr. Garrett, from the Finance Committee, to which was referred so much of the Provisional Governor's message as relates to public credit, reported a bill,

To continue the office of Commissioner and Trustee to close any remaining unsettled business of the State Bank and Branches, and to provide for the payment of the foreign debt of the State ;

Which was read three times, under a suspension of the constitutional rule, and passed.

Yeas 19 ; nays 6.

YEAS—Messrs. President, Ashley, Bell, Cooper, Drake, Edwards, Felder, Forney, Garrett, Huckabee, Kilpatrick, Montgomery, Moren, Powell of Macon, Powell of Tuscaloosa, Slaughter, Stansel, Sykes, Woodliff—19.

NAYS—Messrs. Foster, Jackson of Lauderdale, Jackson of Morgan, Jones, Lindsay, and Winston—6.

Mr. Garrett, from the same committee, also, favorably to the bill—

For the relief of P. H. Brittan, late Secretary of State, with the following amendment :

Strike out \$874.73, and insert \$550;

Which was adopted,

And the bill read a third time and passed.

Mr. Ashley, from the committee on 16th Sections, reported favorably to the bill—

To carry out the provisions of an act in reference to school lands, belonging to the inhabitants of certain townships in this State, located in the State of Arkansas and Louisiana, approved February 6th, 1858,

With an amendment by additional section as section 2 ;

Which was adopted.

And the bill read a third time, under a suspension of the constitutional rule, and passed.

Message from the Provisional Governor, by his private Secretary, Mr. Taylor :

*Mr. President :*

His Excellency, the Provisional Governor, has approved the following Senate bills :

To authorize presiding judges at special terms of the circuit court to organize grand juries ;

To incorporate the town of Bluffton, in Chambers county ;

To authorize the mayor and aldermen of the city of Tuscaloosa to levy a special tax of one per cent. on the real and personal estate within the limits of said city ;

To provide more effectually for the distribution of food, among the destitute families of this State ;

To provide for the printing and distribution of the decisions of the Supreme Court.

Mr. Garrett offered the following resolution :

*Resolved*, That the Secretary of the Senate be authorized to employ such additional clerical force as may be necessary for the proper discharge of the business of the Senate ;

Which was adopted.

Mr. Moren, from the Committee on Accounts and Claims, to which was referred the account of Wm. Johnson, jailor of Tuscaloosa county, reported a bill—

For the relief of Wm. Johnson, of Tuscaloosa ;

Which was read twice, under a suspension of the constitutional rule,

And the further consideration of the bill was postponed until the 16th of January next.

Mr. Powell, of Macon, from the Committee on Finance and Taxation, reported adversely to the bill—

To regulate the compensation of the Governor.

The report was concurred in.

Mr. Edwards, from the Committee on County Boundaries, reported adversely to the bill—

To organize the county of ——— out of certain portions of Montgomery, Pike, Barbour and Macon counties, described therein.

Mr. Powell, of Macon, moved to fill the blank in section one with the name of "Bullock;"

Which was adopted.

On motion, by Mr. Felder,

The further consideration of the bill was postponed until the 16th of January next.

A message from the House by Mr. Fowler :

*Mr. President :*

The House of Representatives has passed the following Senate bills :

For the relief Richard H. Oakley, of Bibb county ;

To regulate the payment of the cost of prosecution in criminal cases, in which the defendants may be insolvent, in the county of Montgomery ;

For the relief of Samuel W. Hutchinson ;

To amend section 1215 of the Code, relating to apprentices ;

To amend section 3794 of the Code, relating to vagrants.

The House has amended, as therein shown, and passed, the Senate bill—

To provide for the issue of State bonds.

The Senate proceeded to consider the House amendment to the above bill,

And refused to concur in the same.

Mr. Barnes, from the Judiciary Committee, reported favorably to the bill,

To regulate proceedings before justices of the peace in cases of misdemeanor cognizable before them, with sundry amendments thereto ;

Which were adopted, and the bill read a third time and passed.

Mr. Stansel, from the same committee, reported favorably to the House bill for the relief of Jesse Y. Austin, administrator of the estate of John H. Fariss, deceased.

The bill was read a third time and passed.

Mr. Cooper, from the same committee, reported favorably to



the bill to authorize justices of the peace to take cognizance of, and try cases of petit larceny, with the following amendment :

Strike out all after the word "of," in the fourth line, and insert as follows : "misdemeanors except in cases of gaming, and all violation of the Revenue law."

The amendment was adopted, and the bill read a third time and passed, under a suspension of the constitutional rule.

The hour of 12 o'clock having arrived, the Senate was invited into the hall of the House, for the purpose of proceeding with the election of State Superintendent of Education.

The Senate repaired to the hall of the House, when the two houses in convention proceeded with the election.

The names of N. B. Cloud, John Ryan and John B. Taylor being in nomination,

Those who voted for Mr. Cloud are :

Messrs. Castens, Foster, Moren, Powell of Macon, Slaughter, Clark of Mobile, Davis of Barbour, Frazer, Judkins, Lanier, McCann, McCoy of Russell, McLester, McMillan, Pipkin, Reese, Robinson of Baldwin, Smith of Choctaw, Whitfield, Williams of Randolph—20.

Those who voted for Mr. Ryan are :

Messrs. Ashley, Drake, Edwards, Forney, Jackson of Lauderdale, Jackson of Morgan, Jones, Lindsay, Norwood, Sykes, Winston, Ash, Ashford, Bankhead, Bourland, Bush, Chapman, Clark of Lawrence, Cobb, Ellis, Freeman, Gibson, Goodwin, Hand, Hare, Hawthorne, Henry, Ledbetter, Lindsay, Malone, Malloy, Manasco, McAlexander, McBee, Morse, Oliver, Palmer, Padgett, Potter, Raisler, Richardson, Sheffield, Smith of Jackson, Steadham, Sturdivant, Thorn, Tompkins, Vausandt, Walker, Warren, Williams of Jackson, and Willhite—52.

Those who voted for Mr. Taylor are :

Messrs. President, Barnes, Bell, Cooper, Deason, Gage, Garrett, Huckabee, Kilpatrick, Montgomery, Powell of Tuscaloosa, Stansel, Wilkinson, Wood, Woodliff; Speaker, Bethea, Borden, Branden, Callaway, Connelly, Cotten, Cox, Culver, Dolen, Gafford, Goldthwaite, Grant, Hardie, Humphrey, Lawrence, Leeper, Mabry, Meadors, Moore of Coffee, Moore of Perry, Odum, Pierce, Waller and Worthy—40.

Neither candidate having received a majority of all the votes cast, the convention proceeded to ballot a second time.

#### SECOND BALLOT.

Those who voted for Mr. Ryan are—

Messrs. Ashley, Drake, Edwards, Forney, Jackson of Lauderdale, Jackson of Morgan, Jones, Lindsay, Moren, Norwood, Sykes, and Winston of the Senate; Messrs. Ash, Ashford, Bankhead, Borden, Bourland, Brandon, Bush, Chapman, Clark of Lawrence, Cobb, Dobson, Ellis, Freeman, Gibson, Goodwin, Hand, Hare, Hawthorne, Henry, Ledbetter, Lindsey, Malone, Malloy, Manasco, McAlexander, McBee, Morse, Palmer, Padgett, Potter, Raisler, Richardson, Sheffield, Smith of Choctaw, Smith of Jackson, Steadham, Sturdivant, Thorn, Tompkins, Vansandt, Walker, Warren, Williams of Jackson, and Wilhite, of the House—55.

Those who voted for Mr. Taylor are—

Messrs. President, Barnes, Bell, Cooper, Deason, Felder, Foster, Gage, Garrett, Huckabee, Kilpatrick, Montgomery, Powell of Tuscaloosa, Stansel, Wilkinson, Wood, and Woodliff, of the Senate; Messrs. Speaker, Bethea, Borden, Callaway, Connelly, Cotten, Cox, Culver, Davis of Barbour, Doster, Gafford, Goldthwaite, Grant, Hardie, Humphrey, Lawrence, Leeper, Mabry, McCain, McLester, McMillan, Meadors, Moore of Coffee, Moore of Perry, Odum, Oliver, Pierce, Pipkin, Reese, Robinson of Baldwin, Walker, Whitfield, Williams of Randolph, and Worthy, of the House—51.

Those who voted for Mr. Cloud are—

Messrs. Castens, Powell of Macon, Slaughter, of the Senate; Messrs. Clark of Mobile, Frazer, Judkins, Lanier, and McCoy of Russell, of the House—8.

Neither candidate having received a majority of all the votes cast, the convention proceeded to ballot again.

The name of N. B. Cloud being withdrawn.

### THIRD BALLOT.

Those who voted for Mr. Ryann are—

Messrs. Ashley, Castens, Drake, Edwards, Forney, Jackson of Lauderdale, Jackson of Morgan, Jones, Lindsay, Moren, Norwood, Sykes, and Winston, of the Senate; Messrs. Ash, Ashford, Bankhead, Bourland, Brandon, Bush, Chapman, Clark of Mobile, Cobb, Dobson, Ellis, Frazer, Freeman, Gibson, Goodwin, Hand, Hare, Hawthorne, Henry, Ledbetter, Lindsey, Malone, Malloy, Manasco, McAlexander, McBee, Moore of Perry, Morse, Oliver, Palmer, Padgett, Potter, Raisler, Richardson, Sheffield, Smith of Choctaw, Smith of Jackson, Steadham, Thorn, Tompkins, Vansandt, Walker, Warren, Williams of Jackson, Williams of Randolph, and Wilhite, of the House—59.

Those who voted for Mr. Taylor, are—

Messrs. President, Barnes, Bell, Cooper, Deason, Felder, Foster, Gage, Garrett, Huckabee, Kilpatrick, Montgomery, Powell of Macon, Powell of Tuscaloosa, Stansel, Wilkinson, Wood, and Woodliff, of the Senate; Messrs. Speaker, Bethea, Borden, Callaway, Connelly, Culver, Davis of Barbour, Doster, Gafford, Goldthwaite, Grant, Hardie, Humphrey, Judkins, Lanier, Lawrence, Leeper, Mabry, McCain, McCoy of Russell, McLester, McMillan, Meadors, Moore of Coffee, Odum, Pierce, Pipkin, Reese, Robinson of Baldwin, Sturdivant, Waller, Whitfield, and Worthy, of the House— 51.

Mr. Ryan having received 59 votes, it being a majority of all the votes cast,

The Speaker declared him duly elected State Superintendent of Education, for the term prescribed by law.

The business of the Senate being concluded, the Senate returned to its chamber.

The House bills—

To re-enact the laws incorporating the town of Oxford, in Calhoun county;

To fix the time of holding the regular annual meeting of the General Assembly;

Were severally read three times, under a suspension of the constitutional rule, and passed.

The House bill—

To invest the Probate Court with additional powers over the estates of deceased persons,

Was read twice, under a suspension of the constitutional rule, and referred to the Judiciary Committee.

Message from the House by Mr. Fowler :

*Mr. President :*

The House has amended by substitute, as therein shown, the Senate bill—

Concerning vagrants and vagrancy, and as amended, has passed the same.

The House has amended the Senate bills—

To extend the criminal laws of this State, applicable to free persons of color, to freedmen, free negroes and mulattoes;

For the relief of P. H. Brittan, late Secretary of State.

The House recedes from the amendment to the Senate bill—

To provide for the issue of State Bonds.

The House has originated and passed the following bills—

For securing taxes from transient dealers;

Making an appropriation to pay for fuel, lights, stationary and servant hire ;

To invest the Probate Court with additional powers over the estates of deceased persons.

The Senate proceeded to consider the substitute of the House for the Senate bill concerning vagrants and vagrancy.

Mr. Barnes moved to amend the substitute by striking out the word "excesses," in section 1, and inserting the word "escapes";

Which was adopted.

Mr. Jackson, of Morgan, moved to amend by proviso, as follows :

*Provided*, in all cases where vagrants are sentenced to labor, said labor shall be performed on unfinished railroads traversing the county in which the vagrants shall reside ; and all moneys derived from said hire or labor, shall be a fund for the support of infirm and indigent of said county.

The amendment was laid on the table.

The Senate concurred in the substitute of the House.

The Senate proceeded to consider the special order, it being the bill

To prevent trespasses.

The further consideration of the bill was postponed until the 16th of January next.

The next special order being the bill

To repeal certain acts therein named to prevent the sale of spirituous liquors to free persons of color, and for other purposes.

Mr. Huckabee moved to amend by additional sections, as sections 2, 3, 4 and 5 ;

Which was adopted.

Mr. Powell, of Tuscaloosa, moved to lay the bill on the table,

Which was lost ; and the bill was read a third time, under a suspension of the constitutional rule, and passed.

The next special order being the bill

To prevent freedmen and other persons from owning firearms and carrying concealed weapons, the question pending being on the passage of the bill,

Mr. Garrett moved to postpone the further consideration of the bill until the 15th of January next ;

Which was lost ; and the bill was passed.

Mr. Powell, of Tuscaloosa, from the committee on Enrolled Bills, reported the following as correctly enrolled :

To authorize the probate judge of Sumter county to grant

an order to the guardian of Parham Yarborough to sell the lands belonging to his ward, either at public or private sale ;

To extend the criminal laws of this State applicable to free persons of color to freedmen, free negroes and mulattoes ;

To amend section 1215 of the Code relating to apprentices ;

For the regulation of the police of the town of Greenville ;

To amend an act to incorporate the Coosa Navigation and Coal Mining Company ;

For the relief of P. H. Brittan.

Message from the House by Mr. Fowler.

*Mr. President :*

The House has receded from its amendment to the Senate bill,

To provide for the issue of State bonds.

By leave, Mr. Lindsay introduced a bill,

To release the people of this State from the payment of taxes due and unpaid on or before the 1st day of May, 1865.

Mr. Garrett moved to refer the bill to the Judiciary Committee.

Pending which motion, the Senate adjourned until half-past three o'clock this afternoon.

#### AFTERNOON SESSION.

The Senate met pursuant to adjournment.

And resumed the consideration of the bill pending at adjournment.

The question pending being on the motion of Mr. Garrett, to refer the bill to the Judiciary Committee, which was lost ;

And the bill was ordered to a third reading.

The Senate proceeded to consider the House messages.

The House bills—

To renew the charter of the town of Courtland, in Lawrence county, approved December 13, 1819 ;

To authorize the commissioners' court of St. Clair county to divide the county into four commissioners' districts ;

Making an appropriation for fuel, lights, stationery and servant hire ;

To authorize the judges of the 1st judicial circuit to hold a special term of the circuit court for Dallas county ;

For securing taxes from transient dealers ;

Empowering the city council of Selma to levy a special tax ;

To give the probate court of Dallas county jurisdiction of the estate of Joel Riggs, deceased ;

To authorize the commissioners' courts of Dallas and Monroe counties to borrow money ;

To authorize the court of county commissioners of Washington county to issue bonds or notes to rebuild bridges and repair public buildings in said county ;

To incorporate the city of Demopolis ;

Relating to the administration of the estate of William McDowell, deceased ;

To amend an act amendatory of an act to incorporate the Alabama Direct Trade and Exchange Company ;

To incorporate the Southern Rock Oil Company ;

To incorporate the Mobile Trade Company ;

To incorporate the town of Mt. Andrews, in Barbour county ;

To amend an act to incorporate the town of Livingston, the county site of Sumter county, approved January 10th, 1835 ;

To amend an act to incorporate the City Savings Bank of Mobile ;

Were severally read three times, under a suspension of the constitutional rule, and passed.

Message from the House by Mr. Fowler :

*Mr. President :*

The House has amended, as therein shown, and passed the Senate bill—

To authorize the Commissioner of Revenue of Mobile county to receive certain funds from the Bank of Mobile, and to apply the same to county purposes.

The Senate concurred in the amendment of the House to the above bill.

Mr. Garrett, from the Committee on Finance and Taxation, reported adversely to the House bill—

For the relief of James W. Ligon, late Jailor of Franklin county.

The Senate refused to concur in the report of the committee, and the bill was read a third time, under a suspension of the constitutional rule, and passed.

Mr. Garrett, by leave, introduced joint resolutions to compensate John A. Graham, late Auditor of the Treasury ;

Which were read three times, under a suspension of the constitutional rule, and passed.

The Senate concurred in the House amendments to the Senate bill—

To authorize the Commissioner of Revenue of Mobile county to receive certain funds from the Bank of Mobile, and to apply the same to county purposes.

On motion by Mr. Gage, the vote ordering to a third reading the bill—

To release the people of the State from the payment of taxes due and unpaid on or before the 1st day of May, 1865, was reconsidered ;

And the further consideration of the bill was postponed until the 17th January next,

Mr. Lindsay, from the Committee on Corporations, reported favorably to the House bill—

For the relief of the Chartered Insurance Companies of Mobile ;

The constitutional rule was suspended, and the bill was read a third time and passed.

The Senate then adjourned until to-morrow morning ten o'clock.

FRIDAY, December 15.

The Senate met pursuant to adjournment.

Mr. Powell, of Macon, introduced a bill,

To repeal section 15 of an act to incorporate the town of Union Springs, of Macon county, approved February 5th, 1858;

Which was read three times, under a suspension of the constitutional rule, and passed.

Mr. Sykes introduced a bill to repeal so much of all existing laws as creates a distinction as to color ;

Which was read twice, under a suspension of the constitutional rule.

Mr. Stansel moved to amend by adding at the end of the bill as follows :

“Except the distinction which has existed since the days of Japhet and the curse of Ham.”

On motion of Mr. Kilpatrick, the bill and amendment were laid on the table. Yes 16, nays 11.

YEAS—Messrs. Ashley, Barnes, Castens, Drake, Forney, Jackson of Lauderdale, Jackson of Morgan, Jones, Kilpatrick, Lindsay, Montgomery, Moren, Norwood, Powell of Macon, Stansel, and Winston—16.

NAYS—Messrs. President, Bell, Cooper, Edwards, Felder,

Gage, Garrett, Huckabee, Powell of Tuscaloosa, Sykes, and Woodliff—11.

Mr. Kilpatrick moved to reconsider the vote just taken, which carried.

The question being on laying the bill on the table, it carried.

Message from the House by Mr. Fowler:

*Mr. President:*

The House has passed the following Senate bills:

To incorporate the Southern Travellers Insurance Company;

To renew and extend the time of payment of certain State bonds;

To empower the probate judge of Madison county to grant letters of administration upon the estate of John Geron;

To legalize the act of the probate court of Clarke county, appointing R. Y. Northrop administrator of John Dortch, deceased, and to transfer said administration to Wilcox county;

To authorize Minerva A. Carroll, administratrix of the estate of Thomas Hennessee, to remove the administration of said estate to the county of Tuscaloosa;

For the relief of the Opelika and Tuscumbia Railroad company;

For the relief of David Downey, of Jefferson county;

To authorize the payment of the turnkey fees of Jailors in this State;

To amend section 1747 of the Code;

To compensate John A. Graham, late Auditor of the Treasury;

To authorize Justices of the Peace to take cognizance of and try cases of misdemeanor;

To authorize the Commissioners' Court of Talladega county to issue bonds to build a County Jail;

To regulate proceedings before Justices of the Peace in cases of misdemeanor, cognizable before them;

To incorporate the Tennessee River and North Alabama Mining and Manufacturing company;

For the relief of Thomas Carter, Sheriff of Clark county;

To repeal an act to increase the fees of certain officers in Clark county, approved December 13, 1864;

To authorize Catharine B. Winston, Administratrix of the estate of Isaac Winston deceased, late of Franklin county, to sell certain property;

To authorize the substitution of lost Records of Judgments and Decrees of Courts, and other records;



To amend an act to incorporate the Grand Commandery of Knights Templar, and the appendant orders of the State of Alabama, approved December 9th, 1861 ;

To incorporate the Alabama Iron Mining, Manufacturing and Transportation company ;

To authorize Notaries Public to administer affidavits without seal ;

To repeal an act authorizing the election of Marshal by the city of Tuscaloosa by the qualified voters of said county, approved February 5th, 1840 ;

To fix the price of the Reports of the Supreme Court ;

To repeal an act to prevent the sale of vinous and spirituous liquors in the town of New Lexington, and in beat No. 2, west of North River, in Tusculum county ;

To incorporate the Union Express company ;

The House has amended as therein shown, and passed the Senate bills—

To repeal in part, an act to incorporate the Girard Railroad company, approved January 21, 1865 ;

To alter and amend an act to amend the charter of the Girard Railroad company, approved January 30, 1854 ;

The House has originated and passed a Joint Resolution providing for the payment of clerks to committees of the House of Representatives.

The House has originated and passed a bill for the relief of M. H. Gilbert, tax assessor of Limestone county.

The House has passed the following Senate bills :

To authorize the taking of depositions in criminal cases ;

To amend section 1902 of the Code ;

To authorize the court of county commissioners of Tuscaloosa county to settle and adjust claims against said county, and to issue bonds to pay the same ;

To incorporate the Moore's Bridge Turnpike Company, in the county of Tuscaloosa.

Message from the Governor by his private Secretary, Mr. S. H. Dixon :

*Mr. President :*

His Excellency the Governor has approved the following bills, which originated in the Senate :

To amend an act to incorporate the Coosa Navigation and Coal Mining Company ;

To amend section 3147 of the Code, so as to prevent embezzlement and fraudulent conversions by bailors ;

For the relief of Wm. R. Horn, of Sumter county ;

To authorize the probate judge of Sumter county to grant an order to the guardian of Parham Yarborough, a minor, to sell the lands belonging to said minor, either at public or private sale ;

To incorporate the city of Tuscumbia ;

To legalize the marriage of John P. Logan and Martha A. Smith, residents of Macon county ;

To amend section 3794 of the Code, relating to vagrants ;

For the relief of R. H. Oakley, of Bibb county ;

To incorporate the town of Lafayette, in Chambers county ;

To regulate the payment of costs in prosecutions in criminal cases, in which the defendant may be insolvent, in the county of Montgomery ;

To provide for the issue of State bonds ;

For the relief of P. H. Brittan, late Secretary of State ;

To amend section 1215 of the Code, relating to apprentices ;

For the relief of Samuel W. Hutchinson ;

For the regulation of the police of the town of Greenville ;

To extend the criminal laws in this State applicable to free persons of color, to freedmen, free negroes and mulattoes.

The House joint resolution—

To provide for the payment of clerks to committees of the House of Representatives,

Was read three times, under a suspension of the constitutional rule, and passed.

Mr. Cooper introduced a bill—

To amend the laws in relation to contracts, vagrants and apprentices ;

Which was read twice, under a suspension of the constitutional rule,

And, on motion, by Mr. Lindsay,

Its further consideration was postponed until the 15th day of January, 1866.

On motion, by Mr. Forney,

The Senate adjourned until 12 o'clock, the 15th day of January, 1866, in accordance with the joint resolution of the two Houses of the General Assembly, fixing the time for re-assembling:

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MONDAY, January 15.

The Senate met pursuant to adjournment.

Upon the call of the roll, the following Senators were present :

Messrs. President, Ashley, Barnes, Bell, Deason, Drake, Edwards, Felder, Forney, Garrett, Jones, Montgomery, Powell of Macon, Winston, and Woodliff—15.

There being no quorum present,

On motion, by Mr. Jones,

The Senate adjourned until to-morrow morning at ten o'clock.

TUESDAY, January 16.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Davis.

Upon the call of the roll, the following Senators were found present :

Messrs. President, Ashley, Barnes, Cooper, Deason, Drake, Edwards, Felder, Forney, Garrett, Jones, Kilpatrick, Montgomery, Norwood, Powell of Macon, Sykes, Winston, Wood, and Woodliff—21.

A quorum being present, the Senate proceeded to business.

Upon the call of the districts, the following bills were introduced :

Mr. Felder, a bill (accompanied with a petition)—

To extend the indebtedness of the Montgomery and Eufaula Railroad Company to the State ;

Mr. Barnes, a bill—

To incorporate the Mississippi Valley Company ;

Which were severally read twice, under a suspension of the constitutional rule and referred to the Committee on Corporations.

Mr. Cooper, a bill—

To amend an act entitled an act to incorporate the Central City Insurance Company, approved Nov. 28, 1863 ;

Mr. Deason, a bill to authorize the commissioners court of Jefferson county to appoint apportioners and overseers of roads, at their first term in February, 1866 ;

Mr. Barnes, a bill to authorize the courts of county commissioners of the several counties in this State to contract for the hauling of supplies furnished by the Federal government to indigent families ;

Which were severally read three times, under a suspension of the constitutional rule, and passed.

Mr. Cooper, a bill to amend an act entitled an act to incor-

incorporate the Selma Savings' Company, approved December 10, 1864 ;

Which was read twice, under a suspension of the constitutional rule, and referred to the Committee on Banks and Banking.

Mr. Garrett, a bill to continue in force an ordinance of the Convention of the State of Alabama, entitled "an ordinance granting a stay of execution on all judgments and decrees of the several courts of this State," adopted 30th September, 1865, except the first part of the 3d section thereof.

Mr. Barnes, a bill for the relief of sheriffs of this State ;

Which were severally read twice, under a suspension of the constitutional rule, and referred to the Judiciary Committee.

Mr. Kilpatrick, a bill to repeal an act entitled an act to increase the pay of county officers of Clark county, approved November 28, 1863 ;

Which was read three times, under a suspension of the constitutional rule, and passed.

Mr. Montgomery, a bill to fix the time of holding general elections in this State ;

Which was read twice, under a suspension of the constitutional rule, and referred to the Committee on Privileges and Elections.

Mr. Garrett offered the following resolution :

*Resolved*, That the resolution of the Senate raising a Committee on Freedmen be and the same is hereby rescinded ;

Which was put and lost.

Mr. Kilpatrick moved to reconsider the vote refusing to adopt the resolution ;

Which carried.

Mr. Garrett asked leave to withdraw the resolution ;

Which was granted, and the resolution was withdrawn.

The Senate proceeded to consider the special orders of the day.

The first in order being the bill,

For the relief of William Johnson of Tuscaloosa ;

The further consideration of which was postponed until Thursday, the 10th inst., 11 o'clock.

The next special order being the bill,

To relieve the people of the State from the payment of taxes due and unpaid on or before the first day of May, 1865 ;

Which was referred to the Committee on Finance and Taxation.

The next special order being the bill,

To organize the county of ———, out of certain portions of

Montgomery, Barbour, Pike and Macon counties, described therein;

The further consideration of which was postponed until Tuesday, the 23d inst.

The next special order being the bill,

To prevent trespasses;

Mr. Cooper moved to amend by striking out the words "not exceeding" before the words "fifty dollars," in the 1st section;

Which was adopted.

Mr. Jones moved to amend by additional section;

Pending the consideration of which, the further consideration of the bill and amendment was postponed until Friday next.

The next special order being the bill,

To amend the laws in relation to contracts, vagrants and apprentices.

On motion of Mr Barnes,

The bill was laid on the table.

Message from the House by Mr. Clanton.

*Mr. President:*

The House of Representatives has passed the following Senate bills:

To incorporate the Tennessee Valley Oil and Mining Company;

To give the probate court of Marengo county jurisdiction of the estate of L. R. Terrill, deceased, late of Perry county;

To amend section 1276 of the Code;

To punish the offering of a bribe to commit offences;

To amend section 3178 of the code;

For the relief of W. B. & A. R. Bell & Co.;

To incorporate the Travellers Insurance Company of Alabama;

To carry out the provisions of an act in reference to school lands belonging to inhabitants of certain townships of this State, located in the States of Arkansas and Louisiana;

To amend the charter of the South Alabama Manufacturing Company;

To continue the office of Commissioner and Trustee for closing any remaining unsettled business of the State Bank and Branches, and to provide for the payment of the foreign debt of the State;

To change the time of holding the Circuit Court of the county of Coosa.

The House has originated and passed the following bills—

To regulate the time of holding the Circuit Court in the 4th Judicial Circuit ;

For the relief of Eleanor Stanton ;

To render valid the acts of the Intendant of the town of Greenville ;

To repeal an act to change the time of taking up the State Docket ;

To authorize John Shackelford, of Macon county, to keep a public ferry across Line creek ;

For the relief of Wm. B. Calhoun, of Russell county ;

To give to the Probate Court of Mobile county jurisdiction over the estate of Robt. A. Baker, deceased.

The House has passed the Senate bill—

To authorize the Courts of County Commissioners of the several counties of this State, to contract for the hauling of supplies, furnished by the U. S. Government, to indigent families.

Mr. Jones, from the Committee on Enrolled Bills, reported the following as correctly enrolled—

To amend section 1902, of the Code ;

To remove and extend the time of payment of certain State Bonds therein named ;

To empower the Probate Judge of Madison county to grant letters of administration upon the estate of John Geron ;

To legalize the act of the Probate Court of Clark county, appointing R. H. Northrop administrator of John Dortch, deceased, and to transfer said administration to Wilcox county ;

To authorize the Commissioners' Court of Talladega county to issue bonds to build a county jail ;

To amend section 1747, of the Code ;

To authorize the payment of the turnkey fees of Jailors, in this State ;

For the relief of David Downey, of Jefferson county ;

To authorize Minerva A. Carrol, administratrix of the estate of Thos. Hennessee, deceased, to remove said administration to the county of Tuscaloosa ;

To amend the charter of the South Alabama Manufacturing Company ;

To authorize the substitution of lost records, judgments and decrees of Courts, and other records ;

To fix the price of the Reports of the decisions of the Supreme Court ;

To authorize notaries public to administer oaths without seals ;

To repeal an act authorizing the election of marshal of the city of Tuscaloosa by the qualified voters of said city, approved February 5th, 1849 ;

To repeal an act to prevent the sale of vinous or spirituous liquors in the town of New Livingston, and in Beat No. 2, in Tuscaloosa county ;

To regulate proceedings before justices of the peace in cases of misdemeanor cognizable before them ;

To authorize justices of the peace to take cognizance of and try cases of misdemeanor ;

To amend section 1 of an act to incorporate the Grand Commandery of Knight Templars, and the appendant orders in the State of Alabama, approved December 9, 1861 ;

To authorize Chatherine B. Winston, administratrix of the estate of Isaac Winston, deceased, late of Franklin county, to sell certain property ;

To repeal an act to increase the fees of certain officers in Clarke county, approved December 13, 1864 ;

For the relief of Thomas Carter, sheriff of Clarke county.

For the relief of Moses C. Newman, of DeKalb county, requiring the Governor to cause a patent to be issued.

To amend an act to incorporate the Dayton Female Academy in the town of Dayton, Marengo county.

The Senate concurred in the amendments of the House to the Senate bills,

To alter and amend an act to amend the charter of the Girard Railroad Company, approved January 20th, 1854 ;

To repeal in part an act to incorporate the Girard Railroad Company, approved January 21, 1865.

The House bill,

For the relief of Mace H. Gilbert, tax assessor of Limestone county,

Was read twice under a suspension of the constitutional rule, and referred to the Committee on Finance and Taxation.

The House bill,

To regulate the time of holding the circuit courts in the 4th Judicial Circuit,

Was read twice under a suspension of the constitutional rule, and its further consideration postponed until Friday, the 19th inst.

The House bill,

For the relief of Edward Stanton,

Was read twice, under a suspension of the constitutional rule, and ordered to a third reading.

The House bill,

To render valid the acts of the intendant of the town of Greenville,

Was read twice, under a suspension of the constitutional rule, and laid on the table.

The House bills—

To repeal an act to change the time of taking up the State docket ;

To authorize John Shackelford, of Macon county, to keep a public ferry across Line Creek ;

Were severally read twice, under a suspension of the constitutional rule, and referred to the Judiciary Committee.

The House bill for the relief of Wm. B. Calhoun, of Russell county,

Was read twice, under a suspension of the constitutional rule, and its further consideration postponed until Thursday next, 12 o'clock.

The House bill to give the probate court of Mobile county jurisdiction over the estate of Robert A. Baker, deceased,

Was read three times, under a suspension of the constitutional rule, and passed.

#### GOVERNOR'S MESSAGE.

The following message was received from His Excellency the Governor, through his private Secretary, Mr. Dalton :

EXECUTIVE DEPARTMENT,  
Montgomery, Ala., January 15, 1866. }

*Gentlemen of the Senate and*

*House of Representatives :*

You assemble under circumstances far more favorable than those which surrounded us at the time of your last meeting. Our State then occupied a most anomalous position. The Chief Executive authority was exercised by a Provisional Governor, who held his office by appointment from the President of the United States. The earnest recommendations contained in the message which was submitted to you by the Provisional Governor, showed the great interest which that officer felt for such legislative action as would result in the restoration of Alabama to her proper position as a member of the Federal Union.

There were two important questions bearing directly, and with peculiar force, upon our relations with the General Government. One was the ratification of the proposed anti-slavery amendment to the constitution of the United States ; and



the other had reference to the protection of the persons and property of the colored population. The Legislature took action on both of these questions. The constitutional amendment was duly ratified—Alabama being the twenty-seventh State assenting thereto,—that being the requisite number of States to give it validity. By your action, therefore, this amendment became a part of the Constitution of the United States. The Legislature also made effective provision for securing protection to the persons and property of freedmen. This action, on your part, gave practical and legal evidence of the sincerity and good faith with which our people accept all the legitimate results of the war.

The action of the Legislature on these prominent questions was duly communicated to the authorities at Washington, as evidence of our purpose to conform to all the just requirements of the times. The responses received from the Federal Capital, show that your labors were not only properly appreciated, but fully approved.

On the 18th of December, 1865, I received a telegram from the Secretary of State of the United States, in which I was informed that “a communication had been addressed to His Excellency, Lewis E. Parsons, late Provisional Governor of Alabama, directing him to deliver the papers and property in his custody into the possession of the constitutional authorities elected by the people.” With this dispatch was transmitted a copy of the communication addressed to the Provisional Governor Parsons. The Secretary of State closed his dispatch to me by tendering “the co-operation of the Government of the United States, wherever it might be necessary in effecting the early restoration and the permanent prosperity and welfare of the State.”

In pursuance to instructions received, Provisional Governor Parsons gave notice that he would deliver a valedictory address in the Hall of the House of Representatives on the 20th of December. Accordingly, at the time and place designated, before a concourse of citizens, and many State and Federal officers, he read a proclamation in which he announced that the papers and property of the State in his custody, were placed in my possession, and that he formally relinquished the duties and position of Provisional Governor of Alabama. Copies of the telegrams above alluded to, and of Governor Parsons' proclamation, are herewith transmitted.

This withdrawal of Federal restraints from our State affairs is cause for sincere congratulation. The remission of Alabama to her position of self-control, was of course, the result of a

conviction on the part of the Federal authorities that we would so manage our domestic affairs as not to disturb, but rather to conserve and strengthen the National harmony. We should be careful to justify, by our action, the high confidence which is thus reposed in us.

#### THE STATE DEBT.

The bonded debt of the State amounts to three millions, four hundred and forty-five thousand dollars (\$3,445,000.) Of this amount, two millions, one hundred and nine thousand dollars, (\$2,109,000) is payable in the city of New York, the interest upon which, at five per cent., is payable semi-annually on the first of May, and first of November. The annual interest on these bonds is one hundred and five thousand four hundred and fifty dollars (\$105,150.) The last interest paid in New York included the dividend due in November 1861. The accumulated interest from that time to the first of November, 1865, is four hundred and twenty-one thousand eight hundred dollars, (\$421,800.) Of this amount there has been paid to the Bank of Mobile the sum of fifty-three thousand four hundred dollars, (\$53,400.) This leaves a balance due and unpaid of three hundred and sixty-eight thousand four hundred dollars, (\$368,400.) Our remaining bonded indebtedness—one million, three hundred and thirty-six thousand dollars—(\$1,336,000) is payable in London. Six hundred and forty-eight thousand dollars, (\$648,000) of this sum bears interest at the rate of five per cent. per annum. The remaining amount, \$688,000, bears interest at six per centum. The interest on both of these classes of bonds—amounting, in the aggregate, to seventy three thousand six hundred and eighty dollars (\$73,680) per annum—is payable semi-annually, on the first of January and first of July. Payment of this interest has been made up to the first of January, 1865, and hence there is now one year's interest due. By adding the unpaid interest due respectively at New York and London, we find an aggregate of four hundred and forty-two thousand and eighty dollars, (\$442,080) as the amount now to be met.

Special provision should be made for the payment of this accumulated interest at as early a day as practicable. This is not only demanded by a principle which is just in itself, but it would incidentally tend to restore the credit of the State, and greatly strengthen the inducements for advantageous loans upon the bonds now authorized by law.

Our bond holders in London have made a formal proposition

to receive payment for the interest now due, and the dividends up to the first of January, 1867, in State bonds bearing the same rate of interest as those they now hold. This, under all the circumstances, is a liberal proposition, and I think it ought to be acceded to. I have no doubt that similar terms would be accepted by our New York creditors. I therefore recommend that authority be given to issue bonds, in addition to those already provided for, to an amount sufficient to pay our present arrears of interest, together with that which will accrue up to the first of January, 1867. We may reasonably hope that by that time our State finances will be in a condition which will enable us to resume the regular semi annual payment of our interest liabilities.

#### STAY LAW.

The industrial and business interests of the people are so much deranged that I think some legislation is necessary in relation to the collection of debts. Many industrious and energetic people are now unable to meet their liabilities. A vast amount of property has been lost by the war, and that which is left should be secured, for a limited time, at least, and with reasonable conditions, against execution and sale for debt. It is true that the stringency of the times is keenly felt by creditors, and they stand in great need of what is due them. But in the present depressed condition of things, enforced payments would operate very oppressively, if not ruinously upon the larger portion of debtors.

I am fully aware that this is a question of much delicacy. It involves a careful inquiry into the circumstances and conditions of debtors, and the just demands of creditors. The extraordinary pressure of the times clearly calls for some indulgence to those who are in debt; but surely it will not be contended that the persons to whom these debts are due are responsible, either in law or in fact for this peculiar pressure. Therefore, while securing immunity for the one class against onerous coercion, care should be taken not to deal too harshly with the reasonable requirements of the other.

In fixing restrictions upon suits for debt, I think that creditors should be allowed full opportunities for collecting the interest upon their claims. This is a matter of simple justice, and no reasonable debtor would complain of it. Indeed, a law that would so operate as to necessarily augment a debt by the accumulation of interest would be ultimately a disadvantage to the debtor. The creditor, therefore, should be allowed legal

process for obtaining his interest ; and it might be advisable to extend his privilege to a certain per centum of the principal. A law, for instance, which would allow the collection of interest, and twenty-five or thirty-three per centum of the principal annually, would be of material advantage to the creditor and could not be reasonably presumed to subject the debtor to oppressive exactions. There must certainly be a very few, if any persons, who cannot pay, annually one third, or at least one-fourth, of their indebtedness.

Any law which grants relief to debtors is a favor which should not be taken advantage of. A law which, by providing for a stay of execution, postpones the day when the creditor had a right to expect payment, is legally and logically presumed to benefit the debtor and injure the creditor. In such a case it is nothing but right that the party who is presumed to suffer should have additional guarantees for the ultimate collection of his debt. I think, therefore, that if a stay law be enacted, it should be provided that where a judgment is obtained, the judgment should operate as a lien upon the effects of the debtor, against future contingent claims.

#### THE BANKS.

The condition of the chartered banks of the State will require your attention. During the last four years, those banks were largely called upon by the State for coin and sterling. The calls were liberally responded to, and the banks received State bonds in payment therefor. Those bonds belong to that class of war indebtedness which has been declared void, and this brings peculiar embarrassment upon the banks.

In the year 1861, the banks suspended specie payments, and thus forfeited their charters. But the suspension was legalized by an Act approved December 9, 1861. The Act authorized a continuance of the suspension until one year after the establishment of peace. Under the present peculiar circumstances I think that no forfeiture should be imposed upon the banks, but that they should be allowed every facility to continue their operations with a view of recovering from their crippled condition. The National banking law taxes these banks ten per cent. on their circulation. This is another reason why we should refrain from imposing additional burdens upon them.

#### EDUCATION.

The cause of education I have always regarded as of para-

mount importance. The means of acquiring an education should be placed within reach of all classes of our youth. In order to render our popular school system effective and useful, it is essential to have it so shaped as that it be uniform in its operations. In no other way can its benefits be extended to, and enjoyed by that class of indigent youth who stand in most need of them. We have not heretofore had that uniformity in the schools supported by the 16th section fund.

By the Act of Congress, approved March 2d, 1819, providing for the admission of Alabama into the Union, the 16th section in each township of the public lands, was donated for school purposes. The Act distinctly provided that the proceeds of each section should be applied to the support of schools in the particular township wherein the section lay. The objects contemplated by the act of Congress were very liberal and praiseworthy. But the restrictions contained in the law, leads to some embarrassment in the practical application of the fund created by it. Many of the most valuable sections are in townships inhabited mainly by persons of ample means to whom the public schools are comparatively unimportant, while many valueless sections are situated in townships which have, to a great extent, an indigent population. Herein we see illustrated an inequality which operates to the serious disadvantages of those who are specially intended to be benefitted by our public schools, and we may well inquire how this inequality can be remedied. It cannot be done by applying the funds raised in one township to the support of schools in another. This is prohibited by the law of Congress; and so rigidly has the Legislature adhered to the strict terms of the law, that it has heretofore declined to even blend or consolidate the 16th section fund, for the support of a uniform system of schools throughout the various townships of the State.

There is one mode by which the advantages of our school system can be extended to children residing in townships containing valueless 16th sections; and that is to appropriate from the State Treasury a sum sufficient to maintain schools in townships where there is a deficiency of 16th section funds. In the present condition of our State finances the Treasury should be drawn upon as lightly as possible; but the demands of education are sufficiently strong, in my judgment, to justify the appropriation suggested.

The interest on the 16th section fund amounts annually to one hundred and two thousand, six hundred dollars, and fifty cents, (\$102,600 50.) By the act of Congress, the State, as trustee, is bound to pay over to the several townships the in-

terest on the various sums arising from the sales of their respective sections. This should, by all means, be done. Then, with an appropriation for the benefit of townships having valueless 16th sections, our popular educational system may not only be continued, but its efficiency and usefulness greatly increased.

#### THE UNIVERSITY.

Towards the close of the war the University of Alabama sustained a most serious loss. The University building was destroyed, and with it was lost the library and all the scientific apparatus. The trustees are of opinion that with a loan of \$70,000 by the State those losses may be repaired by 1870 ; the annual interest on the University fund being pledged for the repayment. Should the loan be authorized, it would perhaps be drawn upon in small sums and at such intervals as would not seriously embarrass the treasury.

The University fund amounts to three hundred thousand dollars, and is held in trust by the State. It is an endowment fund, and the principal cannot be used for the purposes proposed by the loan. There is no duty resting upon the State of Alabama of more importance than the building up of the University of the State, and thus providing for the benefits of the diffusion of intelligence, enlightenment and good morals among the people. For these reasons, I recommend that the advance be made, as the State holds in its own hands a perfect security against loss.

#### THE PENITENTIARY.

Your attention is respectfully called to the present condition of the State Penitentiary. From a report of the Warden and Inspectors, it appears that there are now fifty-one convicts in that establishment. Of these, eight are white males, thirty-seven colored males, and six colored females. Among the whites there is not a single mechanic, and the colored prisoners have all been common field laborers. There is very little employment for such persons in the Penitentiary, and hence the institution, just at this time, is a heavy expense to the State.

The Penitentiary should, if possible, be self-sustaining. But it is evident that this cannot be done without some modification of the labor system in reference to such offenders as are now confined there. No material change, however, can be made in the mode of labor by convicts without additional legislation. Civil law being restored, we may reasonably anticipate

that the administration of justice will increase the number of convicts ; and this adds to the necessity of making such provision as will render this labor available for the support of the prison.

The officers, in this report, make some important suggestions on this subject. They recommend, as the best thing that could be done, that the prison be turned into a cotton or woolen factory. This would involve an expenditure of twenty-five or thirty thousand dollars for machinery, etc. ; but the profits of the factory would, perhaps, justify the outlay. Again, it is suggested, that the Warden be authorized to hire such convicts as cannot be profitably employed in the prison, to perform labor outside, under such guards and restraints as will not soften or mitigate the punishment designed to be inflicted on offenders. It is believed that outside of the prison, and in its immediate vicinity, or at points easily accessible, there is a demand for much labor which could be advantageously performed by such convicts as are now confined. The Penitentiary may thus be made, not only self-supporting, but the labor of convicts may be so directed as to aid in developing the mineral and other resources of the State.

#### RELIEF FOR THE DESTITUTE.

The General Government is furnishing most generous assistance to our suffering population. For the liberal relief extended to helpless and destitute families in our State we are greatly indebted to the patriotic and benevolent exertions of Major General Swayne, an able and efficient agent of the United States Government. That officer has provided for furnishing twenty thousand rations per day for the present month. Thirteen thousand, five hundred of these are being now distributed throughout the State, as clear proof of suffering shall dictate, the balance being accumulated at Mobile for Central and Southern, and at Huntsville, for North Alabama. This amount has been sufficient to meet all calls made from accessible points, and which have been supported by satisfactory proof. In the work of distributing these supplies, Gen. Swayne is being ably and efficiently assisted by Marcus H. Cruikshank, the State Commissioner appointed under the law passed at your last session. Mr. Cruikshank is actively co-operating with Gen. Swayne in establishing depots at prominent points throughout the State, and arranging for the distribution of supplies, so that relief may be extended, as far as practicable, to every suffering locality.

## MILITARY ORGANIZATION.

We have many inducements for an efficient military organization in the State. There is much lawlessness in the State, and in some instances, it exhibits itself in a manner which defies the authority of the civil peace officers. In some localities, bad men are regularly banded together for purposes of violence and plunder. Frequent complaints are made of depredations by such bands. A few days ago a body of armed guerrillas, numbering about fifty, attacked a steamboat near McIntosh's bluff, on the Tombigbee river; overpowered the crew and passengers, took possession of the boat, and carried it off. Had there been a local military organization any where near the scene of this outrage, it would probably not have been attempted; or if it had, the perpetrators would doubtless have been immediately arrested and brought to punishment. But in the absence of such organization the Federal military was the only power to rely upon for their capture; and there was no force nearer than Mobile. As soon as intelligence of the robbery reached the Commandant at that point, he sent a force in pursuit of the offenders. The boat, with its valuable cargo, has been recovered, and it is hoped that the outlaws will finally be captured.

This is but one of the many instances which might be adduced of the necessity for efficient military organization. There has, however, been one fatal difficulty in the way of perfecting local organizations for the maintenance of peace and order, and that was the want of arms and ammunition. I, therefore, made official application to Major General Thomas, commanding this military department, for arms and ammunition for one hundred and four companies, of sixty men each. So urgent did I regard the necessity of the case, that I visited General Thomas at his Headquarters in the city of Nashville, Tennessee. He fully approved the plan, and has recommended to the authorities at Washington, that the arms and ammunition be furnished. The requisite number of arms is now in the State, and I have no doubt but what the proper orders will shortly be issued to have them turned over as requested. The number of arms asked for is six thousand two hundred and forty, with two hundred rounds of ammunition for each gun. Gen. Thomas also announced his willingness to withdraw the Federal troops as soon as the authorities of Alabama might decide that their local organizations were in a condition to maintain order in the State.

As soon as arms and ammunition are received, immediate



steps will be taken to have the several companies equipped, and so disposed as to be ready, in an emergency, to come to the assistance of the civil authorities, whenever called upon, to enforce the laws and preserve peace. It is, of course, for this purpose alone that military companies are wanted. The number of companies which it is proposed to arm, will average two for each county. Some counties will, perhaps, not need more than one company, and some may require more than two.

I consider it nothing but right and proper that, when troops of local State organizations are called upon to perform active service, they should be compensated for their services. I therefore think that provision should be made for paying State officers and soldiers, whenever they may be called upon to perform actual duty.

#### THE FREEDMEN.

Your gratifying information has reached this department, from different parts of the State, in relation to the disposition of the freedmen. Everywhere they seem to be entering into contracts for the present year, and cheerfully and faithfully entering upon the discharge of the obligations contracted. This strengthens the opinion which I have heretofore entertained, that the common law rule in reference to contracts, is amply sufficient for the mutual rights and obligations of whites and freedmen. The evidence, I think, is already amply sufficient to prove that we have more to hope for from that simple common law rule, than is likely to be accomplished by special or class legislation. Surely no good, law-abiding citizen will desire laws for the government of the unintelligent negro, which he himself is unwilling to abide by. No good to the country can result from having one code of laws for the whites, and another for the blacks, in their new relations, so far as concern the rights of persons and property.

R. M. PATTON.

On motion of Mr. Garrett,

The message and accompanying documents were laid upon the table, and one thousand copies of the message and the telegrams from the Secretary of State of the United States, ordered to be printed for the Senate ;

And on motion of Mr. Garrett,

One hundred copies of the report of the Warden of the Penitentiary was ordered to be printed for the use of the Senate.

On motion by Mr. Garrett,

The Senate adjourned until to-morrow morning, 10 o'clock.

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WEDNESDAY, January 17.

The Senate met pursuant to adjournment.

Upon the call of the Districts, the following bills were introduced :

Mr. Barnes, a bill for the relief of Allen J. Dunn, jailor of Chambers county ;

Which was read twice under a suspension of the constitutional rule and referred to the Committee on Accounts and Claims.

Also, a bill,

Authorizing the courts of county commissioners of this State to license and permit wounded and disabled Confederate soldiers to peddle free of tax in their respective counties ;

Which was read twice, under a suspension of the constitutional rule, and referred to the Committee on Finance and Taxation.

The Senate proceeded to the consideration of the General Orders—

The House bill, for the relief of Eleanor Stanton ;

Was read a third time and passed.

The following message was received from the Governor by his private secretary, Mr. Dalton :

EXECUTIVE DEPARTMENT,

Montgomery, Alabama, January 17th, 1866.

*Gentlemen of the Senate :*

By an act of the Legislature approved December 6th, 1862, it is required that the Governor with the consent of the Senate, shall appoint a Warden and three Inspectors of the Penitentiary. On the 26th day of December, 1865, I appointed the following gentlemen to the offices named, and respectively request the consent of the Senate thereto, viz :

Merriwether G. Moore, *Warden,*

Thomas Williams, John L. Pogue, and Charles Cabot, *Inspectors.*

R. M. PATTON,

Governor of Alabama.

Mr. Sykes moved that the nominations be confirmed ;

Mr. Jackson moved to lay the communication on the table ;

Which motion having precedence of Mr. Sykes,

Was put and carried.

On motion by Mr. Cooper, the Senate adjourned until tomorrow morning, 10 o'clock.

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THURSDAY, January 18.

The Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Barron.

Upon the call of the Districts, the following bills and petition were introduced :

Mr. Kilpatrick, the petition of Theophilus Claussell and J. W. Posey ;

Which was referred to the committee on the Judiciary.

Mr. Wood, a bill to regulate the appointment of overseers and supervisors of public roads in this State ;

Which was read twice, under a suspension of the constitutional rule, and referred to the committee on Roads, Bridges and Ferries.

Mr. Foster, a bill for the relief of John W. Kemp and Robt. W. Kemp ;

Mr. Jones, a bill legalizing the marriage of Daniel L. Logan and Martha Musgrove, of Marion county ;

Mr. Garrett, a bill to further collection of certain debts therein named ;

Mr. Jackson, of Morgan, a bill to authorize the probate court of Morgan county to order the private sale of certain lands therein named ;

Which were severally read twice, under a suspension of the constitutional rule, and referred to the committee on Judiciary.

Mr. Deason, a bill to authorize the commissioners' court of Jefferson county to issue county bonds for the purpose of purchasing corn and building a jail for said county ;

Mr. Sykes, a bill to authorize the administrators of the estate of Isaac Winston, Jr., late of Lawrence county, to lease lands ;

Which were severally read three times, under a suspension of the constitutional rule, and passed.

Mr. Sykes, a bill to amend the 10th section of an act entitled an act to incorporate the Northern Bank of Alabama, approved 10th February, 1862 ;

Mr. Barnes, bill to incorporate the Montgomery Savings Bank at Montgomery ;

Which were severally read twice, under a suspension of the constitutional rule, and referred to the committee on Banks and Banking.

Message from the House by Mr. Clanton.

*Mr. President:*

The House of Representatives has passed the Senate bill

To repeal section 15, of an act to incorporate the town of Union Springs, in Macon county, approved February 6, 1858.

The House has originated and passed the following bills :

To authorize the clerk of the city court of Selma to draw books and stationery ;

To authorize the courts of county commissioners of Coosa, Macon, and Lowndes, to issue county bonds for the building of bridges in said county ;

To incorporate the trustees of Choctaw County Male and Female Seminary ;

To regulate the election of commissioners of roads and revenue in the county of Winston ;

To prescribe the mode of delivery of supplies furnished by the government of the United States to the destitute of the State of Alabama ;

For the benefit of the county commissioners of Greene and Sumter counties ;

To repeal an act prohibiting the sale of spirituous liquors within three miles of Friendship Church and Academy, in the county of St. Clair ;

To repeal an act to prevent the destruction by fire of property in the towns and villages in the counties of Shelby, Jefferson and St. Clair, approved 9th December, 1862 ;

For the benefit of Abraham Keener.

Mr. Jones, from the committee on Enrolled Bills, reported the following as correctly enrolled :

To repeal section 15, of "an act to incorporate the town of Union Springs, in Macon county, approved February 6, 1858 ;

To carry out the provisions of an act in reference to school lands belonging to inhabitants of certain townships in this State, located in the States of Arkansas and Louisiana ;

To authorize the courts of county commissioners of the several counties in this State, to contract for the hauling of supplies furnished by the Federal government to indigent families ;

To repeal in part, an act to incorporate the Girard R. R. Co., approved January 21, 1865 ;

To alter and amend an act to amend the charter of the Girard R. R. Co., approved January 30, 1854 ;

To amend section 1276 of the Code ;

To punish the offering to bribe to commit offences ;

To amend section 3178 of the Code ;

For the relief of W. B. & A. R. Bell & Co.

Mr. Jones, from the Committee on Privileges and Elections, reported favorably to the bill,

To fix the time for holding general elections in this State,

With the following amendment :

Insert the words "justices of the peace and constables," after the words "judge of probate" ;

Which was adopted, and the bill re-committed to the Committee on the Judiciary.

The following veto message was received from the Governor, by his Private Secretary, Mr. Dalton :

EXECUTIVE DEPARTMENT, }  
Montgomery, Ala., Jan. 18, 1866. }

*To the Senate :*

The 16th section of the 5th article of the Constitution of Alabama, provides that every bill that passes the two Houses of the Legislature shall be presented to the Governor for his approval or disapproval. It is made the duty of the Governor, if he disapprove a bill to return it, with his objections to the House in which it originated. Under this clause of the Constitution, I am constrained to return to the Senate, without my approval, the bill "to extend the criminal laws of this State, applicable to free persons of color, to freedmen, free negroes, and mulattoes."

The bill proposes to apply to the freedmen a system of laws enacted for the government of free negroes residing in a community where slavery existed. I have carefully examined the laws which, under this bill, would be applied to the freedmen ; and I think that a mere recital of some of their provisions will show the impolicy and injustice of enforcing them upon the negroes in their new condition.

Section 1033, of the Code, imprisons in the penitentiary for two years, every free negro who comes into the State ; and if he does not leave the State when released, he is to be imprisoned for five years.

Section 1035 provides for the punishment of free negroes for being present at an assembly of slaves. The offence, of course, cannot now be committed, as there are no slaves in the State.

Section 1036, provides that for retailing liquor, free negroes shall be punished with stripes.

Section 1040, provides that every free negro of the State who may be confined in the penitentiary shall leave the State upon

his release, or be liable to another sentence of confinement for twenty-five years.

Section 1044, prescribes punishment for every free negro who preaches to free negroes, except in the presence of five slaveholders.

Section 3287, punishes every person who employs a free negro in drawing off or selling liquor.

Section 3209, prohibits any one from employing free negroes to sample cotton.

Should this bill become a law, all of those statutes would be made applicable to the whole colored population of the State. While slavery existed these laws were necessary and proper, but I think that the necessity for such statutes ceased with the extinction. It is well known to us, that during the last four years, a large number of negroes left the State. Many of them are returning and seeking employment with their former owners. Their labor is greatly needed by land owners, and they should be encouraged to return rather than punished for it. But if this bill were to pass into a law, and Section 1033 of the Code enforced, every returning freedman would be liable to confinement in the Penitentiary for two years, and expulsion from the State when released.

For such reasons as these, I deem it a duty to withhold my approval from this bill.

R. M. PATTON.

On motion by Mr. Barnes,

The consideration of the veto message was postponed until Wednesday next.

The following veto message was received from the Governor, by his private Secretary, Mr. Dalton :

EXECUTIVE DEPARTMENT, }  
Montgomery, Ala., January 18, 1866. }

*To the Senate :*

On the 15th day of December, 1865, a bill was placed in my hands, which originated in the Senate, of the following title: "A bill to be entitled an act to regulate contracts with freedmen, and to enforce the same." The bill came into my possession just as the Legislature was adjourning for a recess of one month. It was, therefore, impracticable at that time for me to return the bill to the Senate with the reasons which induced me to withhold my approval from it.

It cannot be denied that we are forced to many experiments

in dealing with the negroes in their new condition. But I am decidedly of the opinion that no special law is necessary for regulating contracts with them. This bill makes general provisions for contracts between whites and freedmen, which are different from the common law, or ordinary rules upon the subject. The Constitutional right of the Legislature to pass such an act is undoubted. But considerations of justice and policy should be carefully weighed before a law of this kind is placed upon the statute book.

The negroes always had their natural rights. While they were in slavery these rights were always protected and maintained by their masters; but now that they are free, they can look to the law alone for the protection of their persons and property. For this protection, I do not think discriminating laws are necessary.

In deliberating upon a subject of this character, we may very properly take into consideration facts and events now actually occurring. Information from various parts of the State shows that the negroes are everywhere making contracts for the present year, upon terms that are entirely satisfactory to employers. They are also entering faithfully upon the discharge of the obligations contracted. There is every prospect that the engagements formed will be observed with perfect good faith. I therefore think that special laws for regulating contracts between whites and freedmen would accomplish no good, and might result in much harm.

With every possible respect for the Legislative Department, I consider it a duty under all the circumstances, to return the bill to the Senate without my approval.

R. M. PATTON.

The consideration of the message was postponed until Wednesday next.

The hour of 12 o'clock having arrived,

The Senate proceeded to consider the Special and General Orders;

The bill for the relief of William Johnson, of Tuscaloosa, being the first special order, its further consideration was postponed until Monday next.

The next special order being the House bill—

For the relief of Wm. B. Calhoun, of Russell,

Was read a third time under a suspension of the constitutional rule, and passed.

The House bill—

To repeal an act prohibiting the sale of spirituous liquors

within three miles of Friendship Church and Academy, in the county of St. Clair;

To prescribe the mode of delivery of supplies furnished by the government of the United States to the destitute of the State of Alabama;

To authorize the courts of county commissioners of the counties of Coosa, Macon and Lowndes to issue county bonds for the building of bridges of said counties;

To authorize the clerk of the City Court of Selma to draw books and stationery;

To incorporate the trustees of Choctaw County Male and Female Seminary;

To repeal an act to prevent the destruction by fire of property in the towns and villages of the counties of Shelby, Jefferson and St. Clair, approved December 9, 1862;

For the benefit of the county commissioners of Greene and Sumter counties;

To regulate the election of commissioners of roads and revenue in the county of Winston;

Which were severally read three times, under a suspension of the constitutional rule, and passed.

The House bill—

For the benefit of Abraham Keenen,

Was read twice, under a suspension of the constitutional rule, And Mr. Deason moved to lay the bill on the table;

Which was lost.

Mr. Jackson, of Lauderdale, moved to refer the bill to the Committee on Finance and Taxation;

Which was lost,

And the bill was referred to the Committee on the Judiciary.

The House bill—

To authorize the Judge of Probate of the county of Morgan to order private sale of certain lands therein named,

Was read twice, under a suspension of the constitutional rule, and referred to the Committee on the Judiciary.

The House bill—

To compensate John W. Skipper for feeding prisoners,

Was read twice, under a suspension of the constitutional rule, and referred to the Committee on Accounts and Claims.

On motion, by the President, (Mr. Ashley in the chair,)

The House bill—

To render valid the acts of the Intendant of Greenville;

Was taken from the table, read a third time under a suspension of the constitutional rule, and passed.

On motion of Mr. Garrett:



*Resolved by the Senate,* That the committee on Finance and Taxation, be instructed to inquire into the expediency of making special provision by law for the payment of outstanding claims against the State, that occurred prior to the inauguration of the Provisional Governor of the State, with leave to report by bill, or otherwise.

On motion of Mr. Sykes, the Governor's message was taken from the table, and so much of the same as refers to the State debt, be referred to the committee on Finance and Taxation;

So much as refers to the Stay Law, to be referred to the committee on the Judiciary;

So much as relates to Banks and Banking, to be referred to the committee on Banks and Banking;

So much as relates to Education and State University, to be referred to the committee on Education;

So much as relates to the Penitentiary, to be referred to the committee on the Penitentiary;

So much as relates to Military Affairs, to be referred to the committee on Military Affairs;

So much as relates to Freedmen, to be referred to the committee on Freedmen;

And said committees be instructed to report by bill or otherwise, what action they may deem necessary.

On motion by Mr. Deason, the Senate adjourned until tomorrow morning 10 o'clock.

FRIDAY, January 19.

The Senate met pursuant to adjournment.

Prayer by Rev. Barren.

Upon the call of the Districts, the following bills were introduced—

Mr. Slaughter, a bill to repeal an act entitled "An act to repeal an act therein named," approved November 29th, 1864;

Which was read twice under a suspension of the constitutional rule, and referred to the committee on Roads, Bridges and Ferries;

Mr. Barnes, a bill to repeal articles II and III, of chapter 4, title 13, part the first, of the Code, and section 3287 and 3289;

Mr. Powell of Tuscaloosa, a bill to amend the law of partnership;

Mr. Sykes, a bill to reinstate on the Docket cases that have been disposed of under plea of alien enemy;

Which were severally read twice, under a suspension of the

constitutional rule, and referred to the Committee on the Judiciary

Mr. Deason, a bill—

For the relief of Samuel D. Williams, of the county of Jefferson ;

Which was read three times, under a suspension of the constitutional rule, and passed.

Mr. President, a bill—

To reduce the salary of Warden of the Penitentiary ;

Which was read twice, under a suspension of the constitutional rule.

Mr. Garrett moved to amend by adding the following words at the end of the bill :

“ And the salary of the Deputy Warden shall be seven hundred and fifty dollars per annum, payable quarterly ;”

Which was adopted ;

And the bill was read a third time, under a suspension of the constitutional rule, and passed.

Mr. Jones, from the Committee on Enrolled Bills, reported the following as correctly enrolled :

For the relief of the Opelika and Tuscumbia Railroad Company ;

To authorize the court of county commissioners of Tuscaloosa county to settle and adjust claims against said county, and to issue bonds to pay the same ;

To incorporate the Tennessee Valley Oil and Mining Company ;

To continue the commissioner and trustee for closing any remaining unsettled business of the State Bank and branches, and to provide for the payment of the bonded debt of the State ;

To incorporate the Alabama Iron Mining, Manufacturing and Transportation Company ;

To change the time of holding the Circuit Court of the county of Coosa.

Message from the House by Mr. Clanton :

*Mr. President :*

The House of Representatives has originated and passed the following bills :

To repeal, in part, an act to prohibit the giving, selling or offering for sale, any vinous or spirituous liquors, within three miles of Lineville Baptist Church, in Shelby county, or in one mile of Hamburg, in Perry county ;

To amend an act to regulate the payment of costs of prosecution in criminal cases in which the defendants may be insolvent, in the county of Montgomery ;

To regulate the fees of jurors and witnesses in Franklin county ;

To authorize the commissioners' court of Madison county to borrow money for the support of the paupers of said county, and other purposes ;

To provide for the erection of a court house and jail for the county of Marshall ;

For the relief of James R. Blackburn, of Perry county ;

To authorize James F. Bailey, late probate judge of Perry county, to complete his records ;

To prevent persons from interfering so as to induce laborers or servants to abandon their contracts, or to employ such without the consent of their original employer, before the expiration of the contract ;

To authorize the city of Selma to issue bonds for certain purposes ;

To authorize the commissioners' court of the counties of Greene, Sumter and Covington, to pay for the building of bridges, and repairing their jails, and for other purposes ;

To repeal an act to prohibit the sale of intoxicating liquors within three miles of Robinson Springs, and for other purposes ;

To authorize the commissioners' court of Blount county to issue treasury notes for purposes therein specified.

Mr. Powell, of Tuscaloosa, from the select committee appointed to revise the rules of the Senate, reported the following amendments :

Strike out rule number 38, and insert the following in lieu thereof: "When a vote is taken by division, the President shall vote in all cases in which his vote would make a tie, or a casting vote, and when the ayes and nays are called, the President shall vote first."

In rule number 40, strike out the word "Confederate" wherever it occurs, and insert the word "United" ;

Which were adopted, and it was ordered that one hundred copies of the rules, as amended, be printed for the use of the Senate.

Mr. Powell, of Tuscaloosa, from the Judiciary Committee, reported favorably to the bill legalizing the marriage of Daniel L. Logan and Martha Musgrove, residents of Marion county ;

Mr. Forney, from the same committee, also favorably to the bill

For the relief of John W. Kemp and Robt. W. Kemp ;

Also, to the House bill

To repeal an act to change the time of taking up the State docket.

Mr. Kilpatrick, from the same committee, also favorably to the bill

For the relief of sheriffs of this State ;

Which were severally read a third time, under a suspension of the constitutional rule, and passed.

Mr. Jones, from same committee, reported adversely to the House bill,

To authorize John Shackleford, of Macon county, to keep a public ferry across Line creek.

The report was concurred in.

Senate proceeded to consider the special orders set for this day ; the first in order being the bill,

To prevent trespasses.

The question pending being the amendment offered by Mr. Jones;

Which was adopted.

Mr. Edwards moved to add at the end of section 7, the words "Blount and St. Clair;"

Which was adopted.

Mr. Felder moved to amend by inserting the words "not less than twenty dollars" after the words "fifty dollars," in section one ;

Which was adopted.

The constitutional rule was suspended, and the bill read a third time, and passed.

The next special order being the House bill,

To regulate the time of holding the circuit courts in the 4th Judicial Circuit.

On motion by Mr. Sykes, the further consideration of the bill was indefinitely postponed.

The House bills,

To authorize the commissioners' court of Blount county to issue treasury notes for purposes therein specified ;

To repeal an act to prohibit the sale of intoxicating liquors within three miles of Robinson Springs, and for other purposes ;

To authorize the city of Selma to issue its bonds for certain purposes ;

To authorize James F. Bailey, late judge of probate of Perry county, to complete his records ;

To authorize the commissioners' court of Madison county to

borrow money for the support of the paupers of said county, and other purposes ;

To regulate the fees of jurors and witnesses in Franklin county ;

Were severally read three times, under a suspension of the constitutional rule and passed.

The House bills,

To authorize the commissioners' courts of the counties of Greene, Sumter and Covington, to issue treasury notes to pay for the building of bridges and enlarging and repairing jail, and other purposes ;

For the relief of James L. Blackburn, of Perry county ;

Were severally read twice, under a suspension of the constitutional rule, and ordered to a third reading.

The House bill—

To prevent persons from interfering so as to induce laborers or servants to abandon their contracts, or to employ such without the consent of their original employer before the expiration of the contract ;

Was read twice, under a suspension of the constitutional rule, and referred to the Committee on the Judiciary.

The House bill—

To provide for the erection of a court house and jail in the county of Marshall ;

Was read twice, under a suspension of the constitutional rule, and referred to the Committee on Finance and Taxation.

On motion of Mr. Jackson,

*Resolved*, That a committee of five be appointed to investigate the facts of the approval by the Governor of the bill which originated in the Senate, entitled an act to extend the criminal laws of this State applicable to free persons of color, to freed-men, free negroes and malattoes, and if the same was approved, and a message to that effect returned to the Senate, the House in which the same originated, and if it did not become a law, notwithstanding the Governor afterwards sent in a veto message ; and that they report at as early a day as practicable.

Messrs. Jackson of Lauderdale, Barnes, Sykes, Garrett, and Cooper were appointed the committee.

On motion by Mr. Sykes,

*Resolved*, That the Committee on Corporations be instructed to inquire into the expediency of passing an act compelling railroad companies not to charge passengers extra fare, when they enter trains without tickets at stations where the company keep no ticket agents, and further of passing an act to compel ticket agents or conductors on trains to sell passengers tickets

to any point they may desire on their roads, and not from point to point, as the agent or conductor may select ; and further when Railroad Companies sell passengers first class tickets, to compel conductors on trains to give passengers seats in first class cars, and report by bill or otherwise.

On motion by Mr. Garrett,

The Senate adjourned until to-morrow morning, 10 o'clock.

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SATURDAY, January 20.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Barron.

Upon the call of the districts, the following bills were introduced :

Mr. Kilpatrick, a bill to organize and fix the time of holding the courts of chancery in the middle chancery division;

Which was read twice under a suspension of the constitutional rule and referred to the Judiciary Committee.

Mr. Garrett, a bill to amend the Road Laws of this State ;

Which was read twice, under a suspension of the constitutional rule, and referred to the committee on Roads, Bridges and Ferries ;

Also, a bill to revive and continue in force an act, approved December 12th, 1849, entitled "An act to change the name of the Coosa Manufacturing company to the Bradford Manufacturing company, and for other purposes ;

Also, a bill to incorporate the Central Mining Petroleum company ;

Which were severally read three times, under a suspension of the constitutional rule, and passed.

Mr. Drake, a bill to fix the punishment for Horse Stealing ;

Which read was twice, under a suspension of the constitutional rule, and referred to the committee on the Judiciary.

Mr. Cooper, presented a report of B. M. Woolsey, late State Salt Commissioner ;

Which was read twice, under a suspension of the constitutional rule, and referred to the committee on Finance and Taxation.

Mr. Garrett, a bill to repeal an act, to provide for an efficient Military organization of the State of Alabama, approved February 24th, 1860 ;

Which was read twice, under a suspension of the constitutional rule, and referred to the committee on Military Affairs.

Mr. Bell, a bill to repeal in part 2d section of an act to incorporate the Oakfusky Manufacturing company ;

Mr. Forney, a bill to incorporate the Georgia and Alabama Petroleum, Mining and Manufacturing company ;

Mr. Powell, of Tuscaloosa, a bill to incorporate the Warrior Petroleum company ;

Mr. Barnes, a bill to incorporate the Southern Commercial Association ;

Which were severally read twice, under a suspension of the constitutional rule and referred to the Committee on Corporations.

Mr. Jones, from the committee on Enrolled Bills, reported the following as correctly enrolled :

To give the Probate Court of Marengo county jurisdiction over the estate of L. R. Terrell, deceased, late of Perry county ;

To incorporate the Moore's Bridge Turnpike Company, in the county of Tuscaloosa ;

To incorporate the Travelers Insurance Company of Alabama ;

Message from the Governor by his private Secretary, Mr. Dalton :

*Mr. President :*

His Excellency has approved the following bills, which originated in the Senate : .

To empower the Probate Judge of Madison county to grant letters of administration on the estate of John Geron ;

To authorize Minerva A. Carroll, administratrix of the estate of Thomas Hennessee, deceased, to remove the administration of said estate to the county of Tuscaloosa ;

To authorize the Commissioners' Court of Talladega county to issue bonds to build a county jail ;

To amend an act to incorporate the Dayton Female Academy, in Marengo county ;

To fix the price of the Reports of the Supreme Court ;

To authorize the payment of the turnkey fees of Jailors in this State ;

For the relief of Moses C. Newman, of DeKalb county, requiring the Governor to cause a patent to be issued ;

For the relief of Thomas Carter, sheriff of Clark county ;

To repeal an act to increase the fees of certain officers in Clark county, approved December 13th, 1864 ;

To authorize Catherine B. Winston, administratrix of the estate of Isaac Winston, deceased, late of Franklin county, to sell certain property ;

To amend section 1, of an act to incorporate the Grand Com-

mandery of Knights' Templar and appendant orders in the State of Alabama, approved December 9th, 1861 ;

To repeal an act to prevent the sale of vinous or spirituous liquors, in the town of New Lexington, and in Beat No. 2, west of North River, in the county of Tuscaloosa ;

To authorize Notaries Public to administer affidavits without seal ;

For the relief of David Downey, of Jefferson county ;

To amend section 1747, of the Code ;

To amend section 1902, of the Code ;

To renew and extend the time of payment of certain State bonds therein named ;

To authorize the substitution of lost records of judgments and decrees of courts, and other records ;

To regulate proceedings before justices of the peace, in cases of misdemeanor cognizable before them ;

To authorize justices of the peace to take cognizance of and try cases of misdemeanor ;

To legalize the act of the probate court of Clark county, appointing R. H. Northrup administrator of John Dortch, deceased, and to transfer said administration to Wilcox county.

Mr. Jones, from the Judiciary Committee, reported favorably to the bill—

To repeal articles II. and III., of chapter 4, title 13, part the 1st of the Code, and sections 328 and 3289.

On motion, by Mr. Felder,

The further consideration of the bill was postponed until Saturday, the 27th inst.

Mr. Powell, of Macon, reported, from same committee, adversely to granting the relief prayed for in the petition of Theophilus Clauseil and John W. Posey.

The report was concurred in.

Mr. Powell, of Macon, from the Committee on Finance and Taxation, reported favorably to the House bill—

For the relief of Mace H. Gilbert, tax assessor of Limestone county.

The bill was read a third time, under a suspension of the constitutional rule, and passed.

Mr. Cooper, from the Committee on the Judiciary, reported adversely to the bill—

To reinstate on the docket cases that have been disposed of under plea of alien enemy.

The report was concurred in.

Mr. Forney, from same committee, reported favorably to the House bill—



To invest the Probate Court with additional powers over the estates of deceased persons ;

With the following amendments :

Amend section 4 by adding after the word "land," in the 4th line of said section, the following words "with the stock, tools and agricultural implements."

Also, amend by striking out sections 5 and 6.

The amendments were adopted,

And the bill was read the third time, under a suspension of the constitutional rule, and passed.

M. Kilpatrick, from the same committee, reported adversely to the Bill—

For the benefit of Abraham Keener.

The report was concurred in.

Mr. Barnes, from same committee, reported a substitute for the bill—

To fix the time for holding general elections in this State ;

Which was adopted, and the bill read a third time, under a suspension of the constitutional rule, and passed.

On motion by Mr. Cooper :

*Resolved*, That the committee on the State Capital be and are hereby instructed to take such steps as they may deem necessary to have the roof of the Senate chamber repaired so as to prevent its leaking.

A message from the House, by Mr. Clanton :

*Mr. President :*

The House of Representatives has originated and passed a bill

To change the time of holding the circuit court for Russell county, in the 9th judicial circuit.

On motion by Mr. Mitchell :

*Resolved*, That the Judiciary Committee be instructed to inquire into the operation of Act No. 69, of the acts of 1863, relating to the "increase of the fees of judges of probate, and other public officers of this State"; as to its application and validity touching the fees of such officers of the courts as are therein mentioned; whether the same is now in force, with leave to report by bill or otherwise.

The hour of 12 o'clock having arrived, the Senate proceeded to consider the general orders.

The House bill for the relief of James L. Blackburn, of Perry county,

Was read a third time, and

On motion of Mr. Foster, was laid on the table.

The House bill—

To authorize the commissioners' court of the counties of Greene, Sumter and Covington, to issue treasury notes to pay for the building of bridges and enlarging and repairing the mills, and for other purposes,

Was read a third time and passed.

The House bills—

To repeal in part an act to prohibit any person or persons from giving away, selling, or offering for sale, any vinous or spirituous liquors, within three miles of Lineville Baptist Church, in Shelby county, or within one mile of Hamburg, in Perry county;

To amend an act to regulate the payment of costs of prosecutions in criminal cases in which the defendants may be insolvent in the county of Montgomery;

To change the time of holding the circuit court for Russell county, in the 9th judicial circuit;

Were severally read three times, under a suspension of the constitutional rule, and passed.

The House bill,

To amend the laws incorporating the town of Montevallo, in Shelby county,

Was read twice, under a suspension of the constitutional rule, and referred to the Committee on Corporations.

Mr. Moren presented a petition of Thomas Lawrence, of Bibb county, which was referred to the Committee on the Judiciary.

On motion by Mr. Foster, the Senate adjourned until ten o'clock, Monday morning.

MONDAY, January 22.

The Senate met pursuant to adjournment.

Mr. F. E. Boykin, the Senator elected from the District composed of the county of Pike, to fill the vacancy occasioned by the resignation of Mr. Wilkinson, appeared within the bar of the Senate, was qualified by Hon. Thomas J. Judge, one of the Judges of the Supreme Court, of this State, and took his seat.

Upon the call of the Districts,

The following bills were introduced by—

Mr. Kilpatrick, a bill to authorize judges of probate to appoint guardians *ad litem* to represent the interest of all minors in the probate courts of this State;

Mr. Powell of Macon, a bill to authorize the appointment of constables in certain cases;

Mr. Jackson, of Morgan, a bill to amend section 1961 of the Code; in relation to divorce and alimony;

Mr. President, (Mr. Powell, of Tuscaloosa, in the chair.) a bill in furtherance of justice and to diminish litigation, by removing, or rendering unavailable, defects in, or objections to process returnable to any court of this State, issued between the 1st of May and the 20th of July, 1865, in consequence of any order of any military officer of the United States, and the levy, service, execution and return of such process;

Mr. Norwood, joint resolutions authorizing the Governor to make settlement with McClung, Jacques & Co., and all other agents;

All of which were severally read twice, under a suspension of the constitutional rule, and referred to the Committee on Corporations.

Mr. Powell, of Tuscaloosa, a bill—

For the relief of Richard Atling, late tax collector of Tuscaloosa county ;

Which was read twice, under a suspension of the constitutional rule, and referred to the Committee on Finance and Taxation.

Mr. Stansel, a bill—

To revive the act incorporating the town of Pickensville ;

Was read three times, under a suspension of the constitutional rule, and passed.

Mr. Barnes, joint resolutions—

In relation to the status of Alabama to the Federal Union ;

Which were read twice, and,

On motion, by Mr. Sykes, were laid on the table, and one hundred and thirty-three copies ordered to be printed for the use of the two Houses of the General Assembly.

Mr. Garrett, a bill—

To repeal an act entitled an act to reduce the amount of public printing to be done for the State, approved Dec. 14, 1864, and to regulate the pay of the public printers.

Also, a bill—

To repeal an act entitled an act to direct the binding of certain copies of the Acts of the General Assembly, approved February 15th, 1854;

Which were severally read twice, under a suspension of the constitutional rule, and referred to the Committee on State Printing.

On motion, by Mr. Powell, of Tuscaloosa,

*Resolved*, That the Judiciary Committee be instructed to inquire whether the income of the clerks of the Supreme Court be adequate to the just compensation and support of a competent officer, and if, in their opinion, the same be found not adequate, that they report by bill or otherwise, so as to meet the exigencies of the case.

On motion, by Mr. Garrett,

Mr. Boykin was added to the Committee on State Printing.

On motion, by Mr. Edwards,

Mr. Boykin was added to the Committee on County Boundaries.

Mr. Montgomery, from the Committee on Roads, Bridges and Ferries, reported favorably to the bill—

To regulate the appointment of overseers and supervisors of public roads in this State.

On motion, by Mr. Garrett,

The bill was recommitted to the same committee.

The special order set for this day, it being the bill—

For the relief of Wm. Johnson, of Tuscaloosa,

Was read a third time, under a suspension of the constitutional rule, and passed.

A message from the House by Mr. Clanton :

The House has originated and passed the following bills :

To authorize John R. Hubbard, guardian of Thomas, Mahala and Henry Byrd to dispose of a certain tract of land therein named ;

For the relief of William Taylor, of Montgomery county, and for other purposes relating to land warrants ;

To repeal an act to prevent extortion, approved 9th December, 1862 ;

For the relief of the administrators of the estate of Origen Sibley, deceased, late of county of Baldwin ;

Joint resolutions, authorizing the Governor to appoint commissioners to prepare a Penal Code.

The House refuses to pass the Senate bill—

For the taking and approving of the bonds of the judges of the Probate Court.

The House bills—

For the relief of the administrators of the estate of Origen Sibley, deceased, late of the county of Baldwin ;

To repeal an act to prevent extortion, approved 9th December, 1862 ;

And the joint resolutions, authorizing the Governor to appoint commissioners to prepare a Penal Code ;

Which were severally read three times, under a suspension of the constitutional rule, and passed.

The House bills—

For the relief of William Taylor, of Montgomery county, and for other purposes relating to land warrants ;

To authorize John B. Hubbard, guardian of Thomas, Mahala and Henry Byrd, to dispose of a certain tract of land therein named ; were severally read twice, under a suspension of the constitutional rule, and referred to the Committee on the Judiciary.

Mr. Garrett, from the Committee on Banks and Banking, reported favorably to the bill,

To amend an act to incorporate the Selma Savings Company, approved December 10, 1864.

Mr. Jones, from the Committee on Corporations, reported favorably to the bill,

To incorporate the Perry Insurance and Trust Company.

Mr. Deason, from same committee, reported favorably to the House bill,

To amend the laws incorporating the town of Montevallo, in the county of Shelby ;

All of which were severally read a third time, under a suspension of the constitutional rule, and passed.

Mr. Moren, from the Committee on Accounts and Claims, reported favorably to the bill,

For the relief of Allen J. Driver, former sheriff of Chambers co.

Which was read a third time, under a suspension of the constitutional rule, and passed. Yeas 29, nays 2.

YEAS—Messrs. President, Ashley, Barnes, Bell, Boykin, Castens, Deason, Edwards, Forney, Foster, Gage, Garrett, Huckabee, Jackson of Lauderdale, Jackson of Morgan, Jones, Kilpatrick, Mitchell, Montgomery, Moren, Norwood, Powell of Macon, Powell of Tuscaloosa, Slaughter, Stansel, Sykes, Winston, Wood and Woodliff—29.

NAYS—Messrs. Cooper, and Drake—2.

On motion by Mr. Jones, the Senate adjourned until to-morrow morning, 10 o'clock.

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TUESDAY, January 26.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Barron.

Upon the call of the Districts, the following bills were introduced by—

Mr. Kilpatrick, a bill for the relief of A. Strassburger, of Montgomery;

Mr. Deason, a bill for the relief of A. Killough, of Jefferson county;

Mr. Forney, a bill for the relief of James B. Farmer, late sheriff of Calhoun county;

Which were severally read twice, under a suspension of the constitutional rule, and referred to the Committee on Accounts and Claims.

Mr. Ashley, a bill to define the relation of master and apprentice;

Mr. Foster, a bill to create a chancery division to be composed of the counties of Marengo, Greene, Sumter and Choctaw, and to fix the time and place of holding the courts therein;

Mr. Jackson, a bill to authorize the Secretary of State to furnish books to the Solicitor of the 4th Judicial Circuit;

Mr. Forney, a bill to obviate technical objections to the *venire* in the trial of capital offenses;

Mr. Barnes, a bill to explain the meaning and intent of an act the more effectually to prevent the offenses of grand larceny, arson and burglary, passed at the present session of the General Assembly, approved December, 1865.

Mr. Garrett, a bill to incorporate the Governor's Guards;

Which was read twice, under a suspension of the constitutional rule, and referred to the Committee on Military Affairs.

Mr. Barnes, a bill to declare William L. Graves, a liner between the counties of Chambers and Tallapoosa, a citizen of Chambers county, and to change the county line between said counties;

Which was read three times, under a suspension of the constitutional rule, and passed. Yeas 30, nays none.

YEAS—Messrs. President, Ashley, Barnes, Bell, Boykin, Castens, Cooper, Deason, Edwards, Felder, Forney, Foster, Garrett, Huckabee, Jackson of Lauderdale, Jackson of Morgan, Jones, Kilpatrick, Mitchell, Montgomery, Moren, Norwood, Powell of Macon, Powell of Tuscaloosa, Stansel, Sykes, Winston, Wood and Woodliff—30.

Mr. Powell, of Tuscaloosa, a bill to amend the charter of the city of Tuscaloosa;

Mr. Garrett, a bill to provide for paying the expenses of the inauguration of the Governor;

Also, a bill to repeal an act in relation to the toll at Wetumpka Bridge;

Mr. Cooper, a bill to amend the charter of the Central City Insurance company ;

Which were severally read three times, under a suspension of the constitutional rule, and passed.

Mr. Stansel, a bill to incorporate the Planters and Merchants Mutual Insurance company of Mobile ;

Also, a bill to incorporate the Alabama Lumber and Manufacturing company ;

Which were severally read twice under a suspension of the constitutional rule, and referred to the committee on Corporations.

Mr. Cooper, a bill to require the Secretary of State to have printed the acts of the General Assembly ;

Which was read twice, under a suspension of the constitutional rule.

Mr. Sykes, moved to amend, by inserting after the words "printed," the following words, "in one newspaper published in the cities of Mobile, Montgomery and Huntsville ;"

And the bill and amendment was referred to the committee on State Printing.

Mr. Woodliff, a bill to create and establish a new county out of portions of Cherokee, Calhoun, St. Clair, Blount and DeKalb ;

Which was read twice, under a suspension of the constitutional rule, and referred to the committee on County Boundaries.

Message from the House by Mr. Fowler :

*Mr. President :*

The House of Representatives has rejected the Senate bill—  
To repeal certain acts therein named, to prevent the sale of spirituous liquors to free persons of color, and for other purposes.

The House of Representatives has originated and passed the following bills:

To repeal certain acts therein named, to prevent the sale of spirituous liquors to free persons of color ;

To provide for the safe-keeping, distribution and exchange of Supreme Court Reports ;

To repeal an act to regulate the sale and exportation of corn, approved 8th December, 1862 ;

To amend section 3721 of the Code, in relation to the writ of *Habes Corpus* ;

To repeal an act to regulate interest upon debts, in payment

of which, Confederate treasury notes may be tendered and refused, approved 17th November, 1862 ;

The House has adopted the following resolution :

*Resolved*, That the Senate be requested to return to this House, the bill to provide for the erection of a court-house and jail, in the county of Marshall.

The Senate concurred in the above resolution of the House ;

When Mr. Garrett, from the Committee on Finance and Taxation, to which the bill was committed, returned the bill to the Senate ;

And the same was returned to the House.

Mr. Stansel, from the Judiciary Committee, reported favorably to the bill,

To authorize the probate court of Morgan county to order the private sale of certain lands therein named.

Mr. Kilpatrick, from same committee, reported favorably to House bill,

For the relief of William Taylor, of Montgomery county, and for other purposes relating to land warrants ;

Also, favorably to the bill,

To re-organize and fix the time of holding the courts of chancery in the Middle Chancery Division ;

Which were severally read a third time, under a suspension of the constitutional rule, and passed.

Mr Sykes, from the Committee on Banks and Banking, reported favorably to the bill,

To incorporate the Montgomery Savings Bank at Montgomery, with the following amendments :

Amend 3d section by striking out the word " five " in the third line, and insert the word " one ; "

Also, strike out the words " twenty-five " in the fifth line, and insert the word " ten ; "

Which were adopted.

And the bill read a third time, under a suspension of the constitutional rule, and passed.

Mr. Cooper from the same committee, reported adversely to the House bill,

To authorize John R. Hubbard, guardian of Thomas, Mahala, and Henry Byrd, to dispose of a certain tract of land therein named ;

Mr. Jones, from the same committee, reported adversely to the bill

To authorize the appointment of constables in certain cases ;

Mr. Edwards, from the committee on County Boundaries, reported adversely to the bill



To change the boundary line between the counties of Calhoun and Talladega ;

Which were concurred in.

Mr. Garrett introduced a bill,

To repeal an act to increase the compensation of the members of the commissioners' court for Pike and other counties, approved October 7, 1864, so far as applies to the county of Coosa ;

Which was read twice, under a suspension of the constitutional rule, and referred to the committee on Finance and Taxation.

Mr. Forney, from the committee on the Judiciary, reported adversely to the joint resolutions authorizing the Governor to make settlement with McClung, Jacques & Co., and all other agents acting under the authority of this State.

On motion by Mr. Norwood, the bill was recommitted to the same committee.

Mr. Jones, from the committee on Corporations, asked that the committee be discharged from the further consideration of the bill

To repeal in part the 2d section of an act approved December 8, 1863, entitled an act to incorporate the Oakfuskys Manufacturing Company, and asked that the same be referred to the Judiciary Committee.

The report was concurred in.

Mr. Jones, from the committee on Corporations, reported favorably to the bill

To incorporate the Mississippi Valley Company, with the following amendments :

Strike out the words "ninety-nine," where they occur in section 1, and insert the words "twenty-five."

Strike out the word "individual," where it occurs in section 4, and insert the following words : "corporations of like character" ;

Which were adopted.

Mr. Stansel moved to amend by adding at the end of last section the following proviso :

*Provided*, That the Legislature shall at all times have the power to alter, amend or revise the foregoing charter.

On motion by Mr. Barnes, the bill and amendment were referred to a select committee of five.

Mr. President appointed Messrs. Barnes, Stansel, Forney, Gage and Winston, the committee.

The Senate proceeded to consider the special order, it being the bill

To organize the county of ——— out of portions of Montgomery, Pike, Barbour and Macon counties.

Mr. Mitchell moved to amend by striking out range 25, in township 13, and range 25, in township 12, and the wards lying on the west side of Pea River,

Which was adopted.

Mr. Powell, of Macon, moved to amend by striking out the first clause of section 4, and insert the following :

“That the new county formed by this act shall not be entitled to representation in the General Assembly until after the next census of the State shall be taken, and apportionment made by the General Assembly ; Provided, the representation of neither of the counties out of which this county is formed shall not be affected by this act until the census of 1866 shall be taken, and representation apportioned among the several counties of this State as provided by the convention of 1865 ; And provided, that the citizens of the counties embraced within this new county, shall be liable pro rata for the debts due by those counties respectively”;

Which was adopted.

On motion by Mr. Powell, of Macon, section 5 was stricken out.

Mr. President moved to amend by additional section, as section 6 ;

Which was adopted.

Mr. Garrett moved to postpone the further consideration of the bill until Thursday next, 11 o'clock ;

Which was lost.

Mr. President (Mr. Moren in the chair,) moved to strike out every section relating to holding an election for county officers,

Pending which, on motion by Powell, of Macon,

The bill and amendment was recommitted to a select committee of five.

Mr. President appointed Messrs. Powell, of Macon, Felder, Boykin, Cooper and Mitchell, the committee.

Mr. Jackson, from the select committee appointed to investigate the facts of the approval by the Governor of the bill to extend the criminal laws of this State applicable to free persons of color, to freedmen, free negroes and mulattoes ;

Reported, that, from the facts elicited, the committee had come to the conclusion that there is doubt whether the said act be a law or not, and are of opinion if the same appears to have been approved by the Governor, it was done through mistake, and, to cure the whole matter, recommend the passage of an

act repealing the same, and also a concurrence in the veto of the Governor.

The report was concurred in.

The House bills—

To repeal an act to regulate interest upon debts in payment of which Confederate treasury notes may be tendered and refused, approved 17th November, 1862;

To amend 3721 of the Code, in relation to the writ of habeas corpus;

To repeal certain acts therein named, to prevent the sale of spirituous liquors to free persons of color;

To repeal an act to regulate the sale and exportation of corn, approved December 8, 1862;

To provide for the safe-keeping, distribution and exchange of the Supreme Court Reports;

Were severally read twice, under a suspension of the constitutional rule, and referred to the Judiciary Committee.

The Senate then adjourned until ten o'clock to-morrow morning.

WEDNESDAY, January 24.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Barren.

Upon the call of the districts, the following bills were introduced :

Mr. Kilpatrick, a bill to furnish books for the chancery court of the second district of the middle chancery division at Claiborne;

Mr. Stansel, a bill to supply records of the circuit court of Pickens county, burnt by the public enemy in April, 1865, and making an appropriation for that purpose;

Mr. Lindsay, a bill to repeal the license law in regard to steamboats, in reference to country produce and for other purposes;

Which were severally read twice, under a suspension of the constitutional rule, and referred to the Committee on Finance and Taxation.

Mr. Kilpatrick, a bill for the relief of John Callahan, of Montgomery;

Mr. Barnes, a bill to repeal an act to extend the criminal laws of this State applicable to free persons of color, to freed-men, free negroes and mulattoes, passed at the present session of the General Assembly;

Mr. Powell, of Macon, a bill to amend an act to incorporate the town of Union Springs, in Macon county ;

Which were severally read three times, under a suspension of the constitutional rule, and passed.

Mr. Mitchell, a bill to establish the City Court of Eufaula ;

Mr. Barnes, a bill to amend the 1st clause of section 711 of the Code, so as to extend the civil jurisdiction of justices of the peace to one hundred dollars ;

Mr. Forney, a bill to regulate judicial proceedings ;

Mr. Huckabee, a bill authorizing the Governor to settle with Meyer Lehman and I. T. Tichenor for services performed and monies expended in the service of the State ;

Mr. Barnes, a bill to give orders, judgments and decrees of the courts of Probate, the effect of orders and decrees of the courts of general jurisdiction when they are collaterally attached ;

Which were severally read twice, under a suspension of the constitutional rule, and referred to the Committee on the Judiciary.

Mr. Mitchell, a bill to incorporate the Eufaula Gas Light Company ;

Mr. Garrett, a bill to incorporate the Rock and Lignite Oil Company of Alabama ;

Which were severally read twice, under a suspension of the constitutional rule, and referred to the Committee on Corporations ;

Mr. Garrett, from the Committee on State Printing, reported a substitute for the bill—

To require the Secretary of State to have printed certain acts of the General Assembly ;

Which was adopted ;

And the bill read a third time under a suspension of the constitutional rule, and passed.

Mr. Jones, from Committee on Corporations, reported favorably to the bill.

To incorporate the Planters and Merchants Mutual Insurance Company, of Mobile ;

Mr. Powell, of Tuscaloosa, moved to amend as follows :

*Provided*, That nothing in this act shall be so construed as to prevent the General Assembly at any time hereafter from altering or amending this charter, as it may deem just and proper ;

Which was lost ;

And the bill was read a third time, under a suspension of the constitutional rule, and passed.

Mr. Kilpatrick, from the Judiciary Committee, reported a substitute for the bill,

To authorize judges of probate to appoint guardians *ad litem*, to represent the interests of all minors in the probate courts of this State ;

The substitute was adopted,

And the bill was read a third time, under a suspension of the constitutional rule, and lost.

Yeas, 11 ; nays, 19.

YEAS—Messrs. Barnes, Bell, Cooper, Deason, Forney, Jones, Kilpatrick, Lindsay, Mitchell, Norwood, and Stansel—11.

NAYS—Messrs. Boykin, Drake, Edwards, Felder, Foster, Gage, Garrett, Huckabee, Jackson of Lauderdale, Jackson of Morgan, Montgomery, Moren, Powell of Macon, Powell of Tuscaloosa, Slaughter, Sykes, Winston, Wood, and Woodliff—19.

On motion of Mr. Barnes,

The vote concurring in the adverse report of the Judiciary Committee to the House bill,

To authorize John R. Hubbard, guardian of Thomas, Mahala, and Henry Byrd, to dispose of a certain tract of land therein named ;

Was re-considered, and the bill was re-committed to the same committee.

Mr Barnes, from same committee, reported favorably to the bill,

To explain the meaning and intent of an act the more effectually to prevent the offences of grand larceny, arson and burglary, passed at the present session of the General Assembly, approved December 15th, 1865.

Mr. Jackson, of Lauderdale, from the Committee on State Printing reported favorably to the bill,

To repeal an act to direct the binding of certain copies of the acts of the General Assembly, approved February 15, 1854.

Mr. Forney, from the Judiciary Committee, reported favorably to the bill—

To obviate technical objections to the venire in the trial of capital offences ;

Mr. Sykes, from the Committee on Banks and Banking, reported favorably to the bill—

To amend the 10th section of an act to incorporate the Northern Bank of Alabama referring to directors, approved 10th February, 1862 ;

Mr. Moren, from the Committee on Accounts and Claims, reported favorably to the bill—

For the relief of A. Strassburger, of Montgomery ;

All of which were severally read a third time, under a suspension of the constitutional rule, and passed.

Mr. Stansel, from the Judiciary Committee, reported favorably to the bill—

To authorize the Secretary of State to furnish books to the Solicitor of the Fourth Judicial Circuit ;

With the following amendment :

Add after the words “by the State,” in the 6th line, the words “out of such acts as may now be on file in his office, and not required by law to be kept there for the use of the State ;

Which was adopted,

And the bill read the third time, under a suspension of the constitution rule, and passed.

Mr. Powell, of Tuscaloosa, from the Judiciary Committee, reported adversely to the bill—

To create a chancery district, to be composed of the counties of Marengo, Greene, Sumter and Choctaw, and to fix the time and place of holding the courts therein.

The bill was recommitted to a select committee composed of Messrs. Huckabee and Foster.

A message from the House by Mr. Clanton :

*Mr. President :*

The House of Representatives has rejected the Senate bill—

To restore to a debtor the common law right of an honest preference amongst his creditors, and to repeal section 1556 of the Code, which took away that right.

Mr. Lindsay offered the following preamble and resolution :

WHEREAS, It appears from a letter addressed to C. J. Lewis, of Russell county, by Brevet Major General Swayne, published in the Montgomery Mail, of 23d inst., and charging said Lewis, in his capacity of Captain of volunteer militia in this State, with conduct, which, in the words of Gen. Swayne, “requires that (these) troops be still kept here and employed” ; and, whereas, the people of Alabama are deeply and vitally interested in all conflicts, between their State officers and the Federal powers ; Therefore,

*Resolved*, That the Committee on the Military be instructed to investigate, and report as soon as practicable, all the facts involved in the said conduct of said Lewis ;

Which was adopted.

On motion by Mr. Moren,

*Resolved*, That the Doorkeeper be and he is hereby instruct-

ed to procure of the Secretary of State, two of Cram's Maps of Alabama, one to be suspended on the east and one on the west wall of the Senate chamber.

On motion by Mr. Sykes,

*Resolved*, That the Judiciary Committee be instructed to take up that portion of the Governor's Message referring to a Stay Law, and all bills referred to them on that subject, and consider the same at such of their meetings, and report at their earliest convenience.

Mr. Moren introduced a bill to amend the school system in this State ;

Which was read twice, under a suspension of the constitutional rule, and referred to the Committee on Education.

The Senate proceeded to consider the special order—

It being upon the passage of the bill,

To extend the criminal laws of this State, applicable to free persons of color, to freedmen, free negroes and mulattoes, notwithstanding the veto of the Governor.

The bill was lost—yeas 29 ; nays 1.

YEAS—Messrs. President, Ashley, Barnes, Bell, Boykin, Castens, Cooper, Deason, Edwards, Forney, Foster, Gage, Garrett, Huckabee, Jackson of Morgan, Jones, Kilpatrick, Mitchell, Montgomery, Moren, Norwood, Powell of Macon, Powell of Tuscaloosa, Slaughter, Stansel, Sykes Winston, Wood and Woodliff—29.

NAYS—Mr. Drake—1.

The next special order being the bill—

To regulate contracts and enforce the same ;

The question being on the passage of the bill, notwithstanding the veto of the Governor ;

On motion by Mr. Powell, of Tuscaloosa,

The further consideration of the bill was postponed until to-morrow, 11 o'clock.

The Senate then adjourned until to-morrow morning at ten o'clock.

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THURSDAY, January 25.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Barron.

Upon the call of the districts, the following bills were introduced—

Mr. Felder, a bill to incorporate the Franklin Oil and Mining Company ;

Which was read twice, under a suspension of the constitutional rule, and referred to the Committee on Corporations ;

Also, a bill to declare Caroline Moore a free dealer.

Mr. Moren, a bill to fix the pay of grand and petit jurors in this State ;

Mr. Lindsay, a bill to regulate the time of holding the Circuit Courts in the 4th Judicial Circuit, and for other purposes ;

Which were severally read twice, under a suspension of the constitutional rule, and referred to the Judiciary Committee.

Mr. Stansel, a bill to pay the Jailor of Pickens county ;

Mr. Jackson, of Lauderdale, a bill to compensate W. C. Allen, A. J. Walker and J. W. Keyes for servant hire ;

Which were severally read twice, under a suspension of the constitutional rule, and referred to the Committee on Accounts and Claims.

Mr. Huckabee presented the account of John G. Harvey ;

Mr. Felder presented the account of David J. Bunting ;

Both of which were referred to the Committee on Accounts and Claims.

Mr. Norwood, a bill to repeal an act therein named ;

Which was read twice, under a suspension of the constitutional rule, and referred to the Judiciary Committee.

Mr. Sykes, a bill to authorize Charles Gibson, Judge of the Probate Court for Lawrence county, to administer on the estate of Benjamin F. Milam, deceased ;

Mr. Kilpatrick, a bill to authorize the Governor to have the Capitol building re-covered ;

Mr. Moren, a bill for the relief of Pyramus C. Winn, and to permit him to marry ;

Which were severally read three times, under a suspension of the constitutional rule, and passed.

Message from the House by Mr. Clanton.

*Mr. President :*

The House of Representatives has originated and passed the following bills :

To authorize the county commissioners of Shelby county to issue bonds to raise money to pay for building a jail ;

For the relief of John F. Elliott, of Monroe county.

To extend the indebtedness of the Montgomery and Eufaula Railroad Company ;

To repeal an act therein named, which prohibits the retailing of spirituous liquors within one mile of the town of Centre, in Choctaw county ;



To assume and provide for the payment of the tax on real estate imposed by Act of Congress of the 5th day of August, 1861 ;

Mr. Jones, from the Committee on Corporations, reported favorably on the bill,

To extend the indebtedness of the Montgomery and Eufaula Railroad Company ;

The bill was read a third time, under a suspension of the constitutional rule, and

On motion by Mr. Garrett, its further consideration was postponed until to-morrow at 11 o'clock.

Mr. Forney, from the Select Committee, reported favorably to the bill,

To incorporate the Mississippi Valley Company.

On motion of Mr. Moren,

The bill was laid on the table. Yeas, 19 ; nays, 11.

YEAS—Messrs. Ashley, Bell, Boykin, Castens, Cooper, Deason, Drake, Edwards, Felder, Huckabee, Jackson of Lauderdale, Jackson of Morgan, Lindsay, Montgomery, Moren, Slaughter, Sykes, Wood, and Woodliff—19.

NAYS—Messrs. President, Barnes, Forney, Foster, Gage, Jones, Kilpatrick, Mitchell, Powell of Macon, Stansel, and Winston—11.

The hour of 10 o'clock having arrived; the Senate proceeded to consider the special order, it being the bill,

To regulate contracts with freedmen and enforce the same, the question being on passing the bill notwithstanding the veto of the Governor ;

The bill was lost.

Yeas 15 ; nays 18.

YEAS—Messrs. President, Ashley, Barnes, Bell, Boykin, Castens, Foster, Jackson of Lauderdale, Jackson of Morgan, Kilpatrick, Mitchell, Norwood, Powell of Macon, Slaughter and Stansel—15.

NAYS—Messrs. Cooper, Deason, Drake, Edwards, Felder, Forney, Gage, Garrett, Huckabee, Jones, Kilpatrick, Lindsay, Montgomery, Moren, Powell of Tuscaloosa, Sykes, Winston, Wood, Woodliff—18.

Mr. Felder, from the Judiciary Committee, to which was referred a resolution instructing them to inquire whether the compensation paid to the clerk of the Supreme Court was adequate or not, reported a bill

To provide adequate compensation to the clerk of the Supreme Court ;

Which was read twice, under a suspension of the constitu-

tional rule, and referred to the committee on Finance and Taxation.

Mr. Felder also presented a memorial from the clerk of the Supreme Court ;

Which was referred to the same committee.

Mr. Winston, from the Judiciary Committee, reported adversely to the bill

To bar the collection of certain debts therein named.

The report was concurred in.

Mr. Stansel, from the same committee, reported favorably to the House bill

To authorize the judge of probate of the county of Morgan to order private sale of certain lands therein named.

The bill was read a third time, under a suspension of the constitutional rule, and passed.

Mr. Barnes, from the same committee, reported favorably to the House bill

To repeal certain acts therein named, to prevent the sale of spirituous liquors to free persons of color, with an amendment by way of substitute for section 2 ;

Which was adopted, and the bill read a third time, under a suspension of the constitutional rule, and passed.

The House bill for the relief of John F. Elliott, of Monroe county, and to permit him to marry,

Was read twice, under a suspension of the constitutional rule, and referred to the Judiciary Committee.

The House bill to assume and provide for the payment of the tax on real estate imposed by act of Congress of 5th August, 1861 ;

Was read twice under a suspension of the constitutional rule, and referred to the Committee on Finance and Taxation.

The House bill,

To repeal an act to prohibit the retail of spirituous liquors within one mile of Centre, in Choctaw county ;

Was read twice under a suspension of the constitutional rule, and referred to the committee on Propositions and Grievances.

The House bill,

To extend the indebtedness of the Montgomery and Eufaula Railroad company ;

Was read twice, under a suspension of the constitutional rule, and

On motion by Mr. Garrett, its further consideration was postponed until Monday next.

The House bill,

To authorize the County Commissioners of Shelby county

to issue bonds to raise money to pay for building a Jail;  
 Was read three times, under a suspension of the constitutional rule, and passed.

Message from the Governor by his private Secretary, Mr. Dixon :

*Mr. President:*

His Excellency the Governor has approved the following bills, which originated in the Senate:

To change the time of holding the Circuit Court of the county of Coosa;

To incorporate the Alabama Iron Mining, Manufacturing and Transportation company;

To continue the office of Commissioner and Trustee for closing the remaining unsettled business the State Bank and Branches and to provide for the payment of the foreign debt of the State;

To authorize the Court of County Commissioners of Tuscaloosa county to settle claims against said county, and to issue bonds to pay the same;

To incorporate the Tennessee Valley Oil and Mining company;

For the relief of the Opelika and Tuscumbia Railroad company;

To alter and amend the charter of the Girard Railroad company, approved January 30th, 1854;

To punish the offering to bribe to commit offences;

To amend section 1276 of the Code;

To amend section 3178 of the Code;

To repeal in part an act to incorporate the Girard Railroad Company, approved February 21, 1865;

To authorize the court of county commissioners of the several counties of this State to contract for the hauling of supplies furnished by the Federal government to indigent families;

To repeal section 15 of an act to incorporate the town of Union Springs, in Macon county, approved February 6, 1858;

For the relief of W. B. & A. R. Bell & Co.;

To carry out the provisions of an act in reference to school lands belonging to inhabitants of certain townships in this State, located in the States of Arkansas and Louisiana;

To incorporate the Tennessee River and North Alabama Mining and Manufacturing Company;

To amend section 3178 of the Code.

On motion by Mr. Edwards, the Senate then adjourned until 10 o'clock to-morrow morning.

FRIDAY, January 26.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Mitchell.

Upon the call of the Districts, the following bills were introduced by—

Mr. Lindsey, a bill supplementary to an act entitled An act to incorporate the Southern Travellers Insurance Company;

Which was read twice, under a suspension of the constitutional rule, and referred to the Committee on Corporations;

Mr. Sykes, a bill to authorize executors, administrators, guardians and trustees to compromise;

Mr. Drake, a bill to regulate judicial proceedings;

Mr. Powell, of Tuscaloosa, a bill to amend section 2564 of the Code;

Which were severally read twice, under a suspension of the constitutional rule, and referred to the Judiciary Committee.

Mr. Barnes, from the Judiciary Committee, reported favorably to the bill,

To fix the pay of grand and petit jurors in this State;

Also, favorably to the bill, To amend section 1961 of the Code, in relation to divorce and alimony.

Mr. Felder, from same committee, reported favorably to the House bill,

To repeal certain acts to prevent the sale of spirituous liquors to free persons of color.

Mr. Jackson, of Lauderdale, from Committee on Accounts and Claims, reported favorably to the bill,

To compensate W. C. Allen and A. J. Walker for servant hire.

Mr. Forney, from the Judiciary committee reported favorably to the House bill, to repeal an act to regulate interest upon debts in payment of which Confederate Treasury Notes may be tendered and refused, approved 17th November 1862;

Also, favorably to the bill, to give the orders, judgments and decrees of the Courts of Probate, the effect of orders and decrees of a Court of general jurisdiction when they are collaterally assailed;

Mr. Cooper from the same committee, reported favorably to the bill, to establish the City Court of Eufaula;

Mr. Winston from the same committee, also favorably to the bill, to amend the first clause of section 711 of the Code, so as to extend the civil jurisdiction of justices of the Peace to one hundred dollars;

Mr. Felder, from the same committee, reported favorably to the House bill, to amend sections 3721 of the Code, in relation to the writ of Habeas Corpus;

Which were severally read a third time, under a suspension of the constitutional rule, and passed.

Mr. Cooper introduced a bill, to enable the Comptroller to settle with the Banks of Selma;

Which was read twice, under a suspension of the constitutional rule, and referred to the committee on Banks and Banking.

Mr. Stansel, also, a bill to pay Messrs. Stone and Henry for printing;

Which was read twice, under a suspension of the constitutional rule, and referred to the committee on Accounts and Claims.

Mr. Stansel from the Judiciary committee, to which was referred a resolution on the subject, reported a bill, to repeal an act to increase the fees of Judges of Probate and other public officers of this State, approved December 7, 1863;

Which was read three times, under a suspension of the constitutional rule, and passed.

Mr. Kilpatrick, from the Judiciary committee, reported favorably to the House bill, to provide for the safe-keeping, distribution and exchange of the Supreme Court reports;

The bill was recommitted to the same committee.

Mr. Banks from the same committee, reported adversely to the bill,

To repeal an act to regulate the sale and exportation of corn, as the act had already been repealed by an act passed at a former session of the General Assembly.

The report was concurred in.

Message from the House by Mr. Clanton :

*Mr. President :*

The House of Representatives has originated and passed the following bills :

To create a new county of portions of Coosa, Montgomery, Tallapoosa and Autauga counties ;

To incorporate the Mobile Mutual Insurance Company ;

To incorporate the Medical and Surgical Society of the city of Montgomery ;

To incorporate the Mt. Zion Methodist Church, in Perry county ;

To punish mal-practices by servants and employees of corporate companies ;

To incorporate the German Association for the promotion and protection of German immigrants ;

To incorporate the Cahaba Mining Company ;  
 To incorporate the North Alabama Oil and Mining Company ;  
 To amend an act to amend an act to incorporate the Southern Bank of Alabama ;

To incorporate the Apalachian Oil, Coal, Mining and Manufacturing Company ;

To amend an act to extend the charter of the Bank of Mobile ;

To incorporate the Pioneer Petroleum Mining Company ;

And has passed the Senate bill to incorporate the Alabama College of Physicians and Surgeons, and the Charity Hospital, at Montgomery.

Mr. Kilpatrick, from the Judiciary Committee, reported favorably to the House bill

For the relief of John E. Elliott, of Monroe county, and permit him to marry ;

Which was read twice, under a suspension of the constitutional rule, and passed.

Mr. Montgomery, from the committee on Roads, Bridges and Ferries, reported favorably to the bill

To regulate the appointment of overseers and supervisors of public roads in this State.

Mr. Barnes moved to amend by proviso, as follows ;

*Provided*, The provisions of this act shall not operate so as to interfere with any appointment of overseers of roads made for the present year, but that said overseers shall be held liable to the full discharge of their said duties for the terms they are respectfully appointed.

Mr. Garrett moved to lay the bill and amendment on the table ;

Which was lost.

The amendment was adopted.

Mr. Moren moved to amend by additional section as section eight.

Pending which the bill was recommitted to the Judiciary Committee.

The hour of 12 o'clock having arrived, the Senate proceeded to consider the special order, it being the bill—

To extend the indebtedness of the Montgomery and Eufaula Railroad Company.

The further consideration of the bill was postponed until Tuesday next.

Mr. Cooper, from the Judiciary Committee, reported adversely to the bill—

To fix the punishment for horse stealing.

Mr. Forney, from same committee, also adversely to the bill—

To repeal in part section 2 of an act to incorporate the Oak-fuskey Manufacturing Company.

The reports were concurred in.

Mr. Moren, from the Committee on Accounts and Claims, reported favorably to the bill—

To pay the jailor of Pickens county.

The bill was read a third time, under a suspension of the constitutional rule, and passed.

Mr. Cooper, from the Committee on the Judiciary, reported adversely to the House bill—

To authorize John R. Hubbard, guardian, etc., to dispose of a certain tract of land therein named ;

Which was concurred in.

On motion, by Mr. Barnes,

The vote just taken was reconsidered ;

And the bill read a third time, under a suspension of the constitutional rule, and passed.

On motion, by Mr. Lindsay,

Two additional Senators were added to the Committee on Corporations.

Messrs. Forney and Stansel were added to the committee.

On motion, by Mr. Barnes,

The bill to incorporate the Mississippi Valley Company was taken from the table.

Mr. Barnes moved to amend by striking out "five millions," in section 2, and insert "two millions and a half."

A division of the question being called for, the question was first put on striking out, and carried ;

And the further consideration of the bill was postponed until Wednesday next.

On motion, by Mr. Barnes,

The joint resolutions relating to the status of Alabama to the Federal Union, were taken from the table.

On motion, by Mr. Drake,

The further consideration of the resolutions was postponed, and made the special order for Wednesday next at 12 o'clock.

The House bills—

To incorporate the Mobile Mutual Insurance Company ;

To incorporate the German Association for the Promotion and Protection of German Immigrants ;

To incorporate the Cahaba Mining Company ;

To incorporate the North Alabama Oil and Mining Company ;

To incorporate the Apalachian Oil Coal Mining and Manufacturing Company ;

To incorporate the Pioneer Petroleum Mining Company ;

To incorporate the Medical and Surgical Society of the City of Montgomery ;

Were severally read twice, under a suspension of the constitutional rule, and referred to the Committee on Corporations.

The House bill—

To create a new county of portions of Coosa, Montgomery, Tallapoosa and Autauga counties,

Was read twice, under a suspension of the constitutional rule, and referred to the Committee on County Boundaries.

The House bill—

To punish mal-practice by servants and employees of corporate companies,

Was read twice, under a suspension of the constitutional rule, and referred to the Committee on the Judiciary.

The House bills—

To amend an act entitled an act to amend an act to incorporate the Southern Bank of Alabama ;

To amend an act to extend the charter of the Bank of Mobile ;

Were severally read twice, under a suspension of the constitutional rule, and referred to the Committee on Banks and Banking.

The House bills—

To incorporate the Mount Zion Methodist Church, in Perry county ;

Was read three times, under a suspension of the constitutional rule, and passed.

Message from the Governor, by his Private Secretary, Mr. Dixon :

*Mr. President :*

His Excellency, the Governor, has approved the following bills, which originated in the Senate :

To incorporate the Traveller's Insurance Company ;

To authorize the taking of depositions in criminal cases ;

To incorporate the Moore's Bridge Turnpike Company in Tuscaloosa county ;

To give the probate court of Marengo county jurisdiction of the estate of Lee R. Terrell, deceased, late of Perry county.

On motion of Mr. Powell, of Tuscaloosa,

The Senate adjourned until 10 o'clock, to-morrow morning.



SATURDAY, January 27.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Mitchell.

Upon the call of the districts, the following bills were introduced :

Mr. Gage, a bill to authorize the court of probate of Mobile county, to take jurisdiction of the estate of John G. Aiken, deceased ;

Which was read twice, under a suspension of the constitutional rule, and its further consideration postponed until Monday next.

Mr. Barnes, a bill to limit and guard the provisions of an act therein named ;

Which was read twice, under a suspension of the constitutional rule, and referred to the Committee on Corporations.

Mr. Powell of Macon, from the Committee on Finance and Taxation, reported favorably to the bill,

For the relief of Richard Appling, late tax collector of Tuscaloosa county.

The bill was recommitted to the same committee.

Mr. Jones, from the Committee on Enrolled Bills, reported as correctly enrolled, the bill—

To incorporate the Alabama College of Physicians and Surgeons and the Charity Hospital, at Montgomery.

Mr. Gage, from the Committee on Finance and Taxation, reported adversely to the bill—

Authorizing the courts of county commissioners of this State to license and permit wounded and disabled Confederate soldiers to peddle free of tax in their respective counties ;

The report was concurred in.

Mr. Stansel, from the Judiciary committee, reported favorably to the bill,

For the relief of executors, administrators, guardians and trustees ;

The bill was ordered to be engrossed for a third reading.

Mr. Forney, from the same committee, reported favorably to the House bill,

To prevent persons from interfering, so as to induce laborers or servants to abandon their contracts or to employ such without the consent of their original employer before the expiration of the contract.

On motion by Mr. Felder, the further consideration of the bill was postponed and made the special order for Monday next 11 o'clock.

Mr. Kilpatrick, from same committee reported favorably to

the House bill, to provide for the safe-keeping, distribution and exchange of the Supreme Court reports;

Mr. Moren, from committee on Finance and Taxation reported favorably to the bill, to provide adequate compensation to the clerk of the Supreme Court;

Mr. Felder, from same committee, reported favorably to the bill, to declare Caroline Moore, a free dealer;

Which were severally read the third time, under a suspension of the constitutional rule, and passed.

Mr. Garrett from the committee on Finance and Taxation, reported favorably to the bill, to repeal an act to increase the compensation of Commissioners' Court for Pike and other counties, approved October 7, 1864, so far as the county of Coosa is concerned, with an amendment as follow;

Strike out all in the bill after the word "repealed";

Which was adopted,

And the bill was read a third time, under a suspension of the constitutional rule, and passed.

The title was amended by striking out the words "so far as the county of Coosa is concerned."

Mr. Garrett from same committee, reported a substitute for the bill, to supply records of the Circuit Court of Pickens county, burnt by the public enemy in April, 1865, and making an appropriation for that purpose, with the following title;

A bill to provide blank books for records in certain cases.

The substitute was adopted, and the bill read a third time, under a suspension of the constitutional rule, and passed.

Mr. Forney, from the Committee on Military Affairs, reported adversely to the bill

To repeal an act to provide for an efficient military organization of the State of Alabama, approved February 24, 1860,

As the act proposed to be repealed, was repealed by act approved November 11, 1861;

The report was concurred in.

Mr. Powell, of Macon, from the Select Committee, reported a substitute for the bill

To organize the county of Bullock out of portions of Macon, Pike and Montgomery counties.

The substitute was adopted, and the bill was read a third time, under a suspension of the constitutional rule, and passed.

Yeas 25; nays 2.

YEAS—Messrs. President, Bell, Boykin, Cooper, Deason, Drake, Edwards, Felder, Forney, Foster, Gage, Jackson of Morgan, Jones, Kilpatrick, Lindsay, Mitchell, Montgomery,

Moren, Powell of Macon, Powell of Tuscaloosa, Slaughter, Stansel, Winston, Wood and Woodliff—25.

NAYS—Messrs. Castens and Sykes—2.

Mr. Jones, from the Committee on Corporations, reported a substitute for the bill

To incorporate the Warrior Petroleum Company ;

Which was adopted.

Mr. Powell, of Tuscaloosa, moved to amend by additional section, as section 8 ;

Which was adopted, and the bill read a third time, under a suspension of the constitutional rule, and passed.

The hour of 12 o'clock having arrived, the Senate proceeded to consider the special order, it being the bill

To repeal article II and III, of chapter 4, title 13, part 1st the Code, and sections 3287 and 3289 ;

Which was read a third time, under a suspension of the constitutional rule, and passed.

Message from the House by Mr. Clanton :

*Mr. President :*

The House of Representatives has originated and passed the following bills :

To incorporate the Alabama Petroleum and Lamp Company ;

To incorporate the Oil and Mining Company of Alabama ;

To incorporate the Stonewall Insurance Company ;

To incorporate the Georgia and Alabama Coal, Oil and Manufacturing Company ;

To incorporate the Rock Mills Manufacturing and Lumber Company ;

To authorize the election of an additional Constable in Beat 4 and 5, in Montgomery county ;

To repeal an act to increase the amount of tax on peddling in Pike county, approved February 13th, 1855.

The House concurs in the Senate amendment to the House bill---

“To invest the Probate Court with additional powers over the estates of deceased persons.”

The Senate proceeded to consider

The House bills---

To incorporate the Alabama Petroleum and Lamp Company ;

To incorporate the Oil and Mining Company of Alabama ;

To incorporate the Georgia and Alabama Coal, Oil and Manufacturing Company ;

To incorporate the Rock Mills Manufacturing and Lumber Company ;

To incorporate the Stonewall Insurance Company ;

Were severally read twice, under a suspension of the constitutional rule, and referred to the Committee on Corporations.

The House bills---

To authorize the election of an additional Constable in Beats No. 4 and 5, in the county of Montgomery ;

To repeal an act to increase the amount of tax on peddling in the county of Pike, approved February 13th, 1855.

Were severally read three times, under a suspension of the constitutional rule, and passed.

On motion by Mr. Jones, the Senate adjourned until to-morrow morning, ten o'clock.

MONDAY, January 29.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Mitchell.

Upon the call of the districts, the following bills were introduced.

Mr. Gage, a bill to incorporate the Mobile Manufacturing Company ;

Mr. Barnes, a bill to incorporate the Chattahoochee Manufacturing Company ;

Also a bill to incorporate the Alabama and Georgia Manufacturing Company ;

Which were severally read twice under a suspension of the constitutional rule, and referred to the Committee on Corporations.

Mr. Castens, a bill for the relief of the citizens of Girard, in the county of Russell ;

Which was read twice under a suspension of the constitutional rule, and referred to the Committee on Propositions and Grievances.

Mr. Foster, a bill to establish a medical board in the counties of Washington and Choctaw ;

Mr. Lindsay, a bill to amend the charter of the Memphis and Charleston Railroad Company, by adding an additional section thereto ;

Which were severally read three times, under a suspension of the constitutional rule, and passed.

Mr. Huckabee, a bill to establish the Canebroke Agricultural

District, to provide for the securing of the same, and the management of its affairs ;

Which was read twice under a suspension of the constitutional rule, and referred to a select committee, composed of Messrs. Huckabee, Cooper, and Moren.

Mr. Stansel, from the Committee on Corporations, reported favorably to the bill,

To incorporate the Pioneer Petroleum Mining Company.

Mr. Powell, of Tuscaloosa, moved to amend by adding the following proviso :

*Provided*, That nothing in this act shall be so construed as to prevent the General Assembly at any time hereafter from altering or modifying said charter, as it may deem just and proper.

On motion of Mr. Stansel,

The amendment was laid on the table.

The bill was read a third time, under a suspension of the constitutional rule, and passed.

Mr. Powell of Tuscaloosa, moved to reconsider the vote passing the House-bill on Saturday,

To incorporate the Warrior Petroleum Company ;

Which was carried.

Also, to reconsider the vote ordering the bill to a third reading ;

Which was carried.

Also, the vote adopting his amendment ;

Which was carried.

The question being on the adoption of his amendment ;

It was lost.

And the bill was read a third time, under a suspension of the constitutional rule, and passed.

On motion, by Mr. Barnes,

The vote concurring in the adverse report of the Committee on Finance and Taxation to the bill—

Authorizing the courts of county commissioners of this State to license and permit wounded and disabled Confederate soldiers to peddle free of tax in their respective counties, was reconsidered.

The question recurring on the report of the committee, it was lost.

Mr. Barnes moved to amend by striking out the word "Confederate" before the word "soldier," and by inserting after the word "soldier" the words "in the late Confederate army ;"

Which was adopted.

Mr. Grant moved to postpone the further consideration of the bill till Thursday ;

Which was lost,

And the bill read a third time, under a suspension of the constitutional rule, and passed.

Mr. Deason, from the Committee on Corporations, reported favorably to the House bill—

To incorporate the Medical and Surgical Society of the city of Montgomery.

The bill was read a third time, under a suspension of the constitutional rule, and passed.

Mr. Kilpatrick, from the Committee on Military Affairs, to which was referred a resolution directing it to ascertain if possible, the number of widows and orphans of soldiers of the late war, and to report, by bill or otherwise, the relief that can or ought to be afforded by the State, reported—

That the committee has not been able to ascertain the number of disabled soldiers who need assistance, and the information cannot be accurately obtained until a census is taken. It is deemed advisable not to adopt any measure for their permanent relief until more information can be acquired, but temporary aid should at once be given. By some delay, a full knowledge of the facts thereby to be discovered, it can be determined to what extent permanent help can be granted to these deserving ones.

That substantial, effective assistance should sooner or later be theirs, no one will deny or question. It is due to the character and honor of the State to do this; it is due to the illustrious men who, in the hour of peril, counted not their lives dear in the discharge of what they believed and felt to be their duty. The faith of our people has been plighted, and the pledge must be redeemed. Let it not be forgotten.

These unfortunates cannot turn to the Federal government and ask or claim favors. They can look to no other source than the Commonwealth of Alabama, and they should not always look in vain. The bounties that may be given to the gallant maimed, and to those whom the glorious dead have bequeathed to our care and keeping, are but debts that are due them, and should be handed them not as charities but as dues and offerings of gratitude and love. While the virtues of the departed are remembered, shall their loved ones and shattered comrades still living be neglected? Let them be honored and cherished. It is only justice to the living and the dead. Let the duty of the State be well performed, and it will redound to her lasting honor. Let her arm be soon extended, though palsied as it is, and the good results will be seen and appreciated in the present, and felt and acknowledged in the future

Your committee ask to be discharged from the further consideration of the resolution.

The committee was discharged.

The hour of 11 o'clock having arrived,

The Senate proceeded to consider the special orders.

The first special order, being the bill—

To prevent persons from interfering so as to induce laborers or servants to abandon their contracts, or to employ such without the consent of their original employers before the expiration of the contract,

The bill was recommitted to a select committee of five.

Messrs. Barnes, Felder, Huckabee, Forney and Lindsay were appointed the committee.

The next special order, being the bill,

To authorize the probate court of Mobile county to take jurisdiction of the estate of John G. Aiken, deceased,

The bill was a read third time, under a suspension of the constitutional rule, and passed.

The next special order, being the House bill—

To extend the indebtedness of the Montgomery and Eufaula Railroad Company,

The bill was referred to the Committee on Internal Improvements.

Message from the House by Mr. Fowler :

*Mr. President,*

The House of Representatives has passed the following Senate bills :

To authorize Charles Gibson, judge of probate of Lawrence county, to administer on the estate of Benjamin F. Milam, deceased ;

To authorize the administrator of the estate of Isaac Winston, deceased, late of Lawrence county, to lease certain lands.

The House of Representatives has originated and passed the following bills :

To incorporate the Decatur and Danville Railroad Company ;

For the relief of John S. Brown, of Autauga county ;

For the relief of Lafayette Cooper, of Autauga county ;

For the relief of certain officers of the county of Autauga ;

To preserve the chartered rights of the Broad Street Hotel Company, of Selma ;

To repeal an act more effectually to suppress the distillation of grain ;

Authorizing the court of county commissioners of Franklin county to borrow money;

To preserve the chartered rights of the Selma and Gulf Railroad Company;

To authorize the city of Selma to issue bonds to fund its interest debt, and for other purposes;

To authorize the probate judges of this State to settle the amounts due on estray bonds without suit;

To incorporate the town of Tuskegee, in the county of Macon;

To declare Mary E. Lawrence, wife of Wm. F. Lawrence, of the county of Chambers, a free dealer;

Joint resolutions to invite immigration to Alabama.

The Senate proceeded to consider the general orders.

The bill for the relief of executors, administrators, guardians and trustees;

Was read a third time and passed.

The House bill to incorporate the town of Tuskegee, in Macon county,

Was read twice, under a suspension of the constitutional rule, and referred to the Committee on Corporations.

The House bill to incorporate the Decatur and Danville R. R. Company,

And House joint resolutions to invite immigration to this State,

Were severally read twice, under a suspension of the constitutional rule, and referred to the Committee on Internal Improvements.

The House bills—

To repeal an act to suppress more effectively the distillation of grain;

For the relief of Lafayette Cooper, of Autauga county;

For the relief of John S. Brown, of Autauga county;

To authorize the probate judges of this State to settle the amounts due on estray bonds, without suit;

Were severally read twice, under a suspension of the constitutional rule, and referred to the Judiciary Committee.

The House bills—

To declare Mary E. Lawrence, wife of Wm. F. Lawrence, of Chambers county, a free dealer.

To authorize the city of Selma to issue bonds to fund its interest debt, and for other purposes;

To preserve the chartered rights of the Broad Street Hotel Company of Selma;

Authorizing the court of county commissioners of Franklin county to borrow money;



For the relief of certain officers in the county of Autauga;

Were severally read three times, under a suspension of the constitutional rule, and passed.

Mr. Jones, from the Committee on Enrolled Bills, reported the following as correctly enrolled:

To authorize Charles Gibson, judge of probate of Lawrence county to administer on the estate of Benj. F. Milam, deceased;

To authorize the administrators of the estate of Isaac Winston, Jr., late of Lawrence county, to lease lands.

Mr. Cooper, from the Judiciary Committee, reported favorably to the bill—

To provide for taking the census of this State for the year 1856, as ordered by an ordinance of the Convention of 1865,

With amendments to sections 2, 4 and 6;

Which were adopted.

Mr. Cooper moved to amend by additional section, as section thirteen;

Which was adopted.

Mr. Moren moved to strike out “three” before the word “dollars” in section 6, and insert the word “four”;

Which was adopted.

Mr. Lindsay moved to amend by proviso, as follows:

Provided, that the pay of the census taker in no county of the State shall be less than three hundred dollars”;

Which, on motion by Mr. Foster, was laid on the table.

The bill was read the third time, under a suspension of the constitutional rule, and passed.

Mr. Deason offered the following resolution:

*Resolved*, That in consideration of the fact that subjects of far greater magnitude than that of the organization of new counties, await the action of the Senate, and that as the interests of those new counties could not be advanced any sooner by organizing this session, than it would by awaiting that of the next, that we will therefore postpone all action in relation to the organization of new counties until the next meeting of the General Assembly.

On motion by Mr. Garrett,

The further consideration of the resolution was postponed, and made the special order for to-morrow, 12 o'clock m.

Mr. Forney, from the Committee on Corporations, reported favorably to the bill—

To incorporate the Georgia and Alabama Petroleum, Mining and Manufacturing Company.

Pending the consideration of which,  
 On motion, by Mr. Cooper,  
 The Senate adjourned till to-morrow morning at 10 o'clock.

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TUESDAY, January 30.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Mitchell.

Upon the call of the districts, the following bills were introduced :

Mr. Gage, a bill to incorporate the Mobile Fire Department Insurance Company ;

Mr. Cooper, a bill to enlarge the powers of the Town Council of Cahaba ;

Mr. Powell, of Tuscaloosa, a bill to incorporate the Tuscaloosa Scientific and Art Association, for the purpose of encouraging science and art, and aiding the University of the State in replacing its library, and establishing a scientific museum ;

Which were severally read twice, under a suspension of the constitutional rule and referred to the Committee on Corporations.

Mr. Foster, a bill to fix the pay of the Adjutant and Inspector General ;

Which was read twice, under a suspension of the constitutional rule.

Mr. Jackson, of Lauderdale, moved to amend by striking out two thousand and inserting one thousand.

The bill and amendment were referred to the Committee on Finance and Taxation.

Mr. Powell, of Tuscaloosa, a bill to repeal an act to authorize the qualified voters of the city of Tuscaloosa to elect a city marshal, approved February 5th, 1840 ;

Which was read three times, under a suspension of the constitutional rule, and passed.

Also, a bill to encourage immigration and to protect immigrant labor ;

Mr. Stansel, a bill to amend an act to incorporate a company to build a bridge across the Warrior river, opposite the city of Tuscaloosa, approved January 2, 1833 ;

Which were severally read twice, under a suspension of the constitutional rule, and referred to the Judiciary Committee.

Mr. Deason, from the Committee on Corporations, reported favorably to the bill—

To incorporate the Franklin Oil and Mining Company ;

Mr. Kilpatrick, from the Committee on the Judiciary reported favorably to the House bill,

For the relief of John S. Brown of Autauga county ;

Mr. Forney, from the same committee, reported favorably to the House bill,

For the relief of LaFayette Cooper, of Autauga county ;

Mr. Winston, from the Committee on Propositions and Grievances, reported favorably to the House bill,

To repeal an act to prohibit the sale of spirituous liquors within one mile of the town of Centre, in Cherokee county ;

Also, favorably on the bill,

To authorize the Comptroller to settle with the bank of Selma ;

Mr. Moren, from the Committee on Accounts and Claims, reported favorably to the bill,

For the relief of James B. Farmer, late Sheriff of Calhoun county ;

Also, from select committee, reported favorably to the bill,

To establish the Canebrake Agricultural District, to provide for the securing of the same, and the management of its affairs ;

Mr. Jones, from the Committee on Corporations, reported favorably to the House bills,

To incorporate the Alabama Lumber and Manufacturing Company ;

Mr. Gage, from the Committee on Banks and Banking, reported favorably on the bill,

To amend an act to amend the charter of the Bank of Mobile ;

To amend an act to amend an act to incorporate the Southern Bank of Alabama ;

Mr. Lindsay, from the Committee on Corporations reported favorably to the House bill,

To incorporate the German Association for the promotion and protection of German Immigration ;

Mr. Norwood, from the Committee on Accounts and Claims, reported favorably to the bill,

To pay Messrs. Stone & Henry for printing ;

Mr. Jackson, of Morgan, from the Committee on Corporations, reported favorably to the bill—

Supplementary to an act to incorporate the Southern Travellers Insurance Company, approved December 15, 1865 ;

Mr. Stansel, from the Judiciary Committee, reported favorably to the House bill,

To authorize the probate judges of this State to settle the amounts on estray bonds without suit ;

And which were severally read a third time, under a suspension of the constitutional rule, and passed.

The Senate proceeded to consider the report pending at adjournment on yesterday, it being favorable to the bill,

To incorporate the Georgia and Alabama Petroleum Mining and Manufacturing Company ;

The bill was read a third time, under a suspension of the constitutional rule, and passed.

Mr. Jones, from the Judiciary Committee, reported adversely to the bill,

To authorize executors, administrators, guardians and trustees to compromise.

The bill was recommitted to the same committee.

Mr. Powell, of Tuscaloosa, from the Judiciary Committee, reported adversely to the bill,

To regulate the appointment of overseers and supervisors of public roads.

The report was concurred in.

Mr. Cooper, from the Judiciary Committee, reported adversely to the bill,

Authorizing the Governor to settle with Meyer Lehman and I. T. Tichenor for services performed and moneys expended in the service of the State, as the claim for which pay is asked in the opinion of the committee, comes within the class of debts declared void by an ordinance of the Convention of 1865.

On motion by Mr. Huckabee,

The consideration of the bill and report was postponed, and made the special order for to-morrow, 12 o'clock.

Mr. Forney, from the same committee, reported adversely to the bill,

Authorizing the Governor to make settlement with McClure, Jaques & Co., and all agents acting under the authority of the State ;

As a majority of the committee are of the opinion that the claim asked to be paid by the State, comes within that class of debts in aid of the late war, as are forbidden by an ordinance of the Convention of 1865, to be paid by the State.

The consideration of the bill and report was postponed till to-morrow, 12 o'clock.

Mr. Barnes, from the Judiciary committee, to which were referred various bills in relation to a stay law, reported as a substitute for the several bills referred, a bill, to regulate Judicial Proceedings ;

On motion by Moren, the bill was laid on the table, and copies ordered to be printed for the use of the two Houses

Mr. Felder from the committee on Military Affairs, reported a substitute for the bill, to incorporate the Governor's Guard ;  
Which was adopted,

And the bill was read the third time, under a suspension of the constitutional rule, and passed.

Mr. Moren, from the committee on Accounts and Claims, reported favorably to the House bill, to compensate John W. Skipper for feeding prisoners with the following amendment :

Strike out "one hundred and forty-four" and insert "fifty-one 90-100" ;

Which was adopted,

The bill read a third time, under suspension of the constitutional rule, and passed.

Mr. Jones, from the committee on Corporations, reported favorably to the House bill, to incorporate the Cahawba and Mining company, with the following amendment :

Insert after the words "water courses," in the fourth line of section 7, the words, "not navigable or declared a public highway by the State ;"

Which was adopted,

And bill was read a third time, under a suspension of the constitutional rule, and passed.

Mr. Jones from same committee, reported favorably to the House bill, to incorporate the North Alabama Oil and Mining company, with an amendment by additional section as section five ;

Which was adopted,

And the bill read the third time, under a suspension of the constitutional rule and passed.

Mr. Stansel, from the Judiciary committee, reported favorably to the bill, in furtherance of justice and to diminish litigation, by curing, removing or rendering unavailable defects in, or objections to process returnable to any Court of this State, issued between the first of May, 1865, and the 20th day of July, 1865, in consequence of any order of any military officer of the United States, and the levy, service, execution and return of such process.

The consideration of the bill was postponed, and made the special order for Thursday next, 11 o'clock.

Message from the House by Mr. Fowler.

*Mr. President :*

The House of Representatives has adopted a resolution requesting the Senate to return to the House the bill,

To punish mal-practices by servants and employees of corporate companies, it having been improperly communicated to the Senate.

The House has originated and passed the following bills:

To authorize the Governor to negotiate a temporary loan for the use of the State, or to issue treasury notes ;

To amend an act to regulate the toll of gristmills in this State ;

For the relief of A. Wax, of Marion county ;

For the relief of James Berry, of Dadeville, in Tallapoosa county ;

To prohibit the court of county commissioners of Madison county from levying a greater tax than fifty per cent. on the State tax for county purposes for the year 1866 ;

To make Jane P. Lyon, of Monroe county, a free dealer ;

To erect a suitable monument over the grave of Canada Butler, late a member of the House of Representatives from Madison county, who departed this life in this city, December 12th, 1862 ;

To authorize the commissioners' court of Madison county to establish gates on the public roads of said county ;

To make Elizabeth Ellis, of Macon county, a free dealer ;

To re-establish the lines of Ackersville beat in Wilcox county ;

To encourage the erection of buildings and machinery in Madison county ;

For the relief of the people of Walker county, and for other purposes ;

To authorize Horace King to erect a turnpike road in the town of Girard, in Russell county ;

To amend an act to authorize the commissioners' court of Lauderdale county to issue treasury notes to pay for building of bridges, repairing the court-house, and other purposes, approved December 14th, 1865 ;

To amend section 1099 of the Code, so far as relates to Limestone county.

The House has adopted the following resolution :

*Resolved*, (the Senate concurring,) That the two Houses of the General Assembly will convene in the hall of the House on Wednesday, the 31st instant, at 12 o'clock m., to elect trustees of the State University to fill the vacancies reported by said board of trustees.

The House has passed the following Senate bills :

To repeal an act to increase the pay of county officers of Clarke county, approved November 23, 1863 ;

To authorize the commissioners' court of the county of Jef

person to appoint apportioners and overseers of roads at their first term in February, 1866 ;

To amend an act to incorporate the Central City Insurance Company, approved November 28, 1863 ;

To authorize the commissioners' court of Jefferson county to issue bonds for purchasing corn and building a jail ;

For the relief of John W. and Robt. W. Kemp ;

To fix the time for holding general elections in this State ;

For the relief of Samuel D. Williams, of Jefferson county ;

To revive the act incorporating the town of Pickensville ;

To incorporate the Perry Insurance and Trust Company ;

To authorize the probate court of Morgan county to order private sale of certain lands ;

To amend the charter of the city of Tuscaloosa ;

To authorize the Secretary of State to furnish books to the Solicitor of the 4th judicial circuit ;

To repeal an act to increase the compensation of the members of the commissioners' court for Pike and other counties, approved October 7, 1864.

The House concurs in the amendments of the Senate to the House bills

To invest the probate court with additional powers over the estates of deceased persons ;

To repeal certain acts therein named, to prevent the sale of spirituous liquors to free persons of color.

On motion by Mr. Garrett, the Senate agreed to the request made by the House of Representatives to return the bill

To punish mal-practices by servants and employees of incorporated companies ;

And the bill was returned.

The House bill—

To authorize the Governor to negotiate a temporary loan for the use of the State, or to issue treasury notes ;

Was read twice, under a suspension of the constitutional rule, and referred to the Committee on Finance and Taxation.

On motion by Mr. Moren, the Senate adjourned until tomorrow morning, 10 o'clock.

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WEDNESDAY, January 31.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Mitchell.

Upon the call of the districts, the following bills were introduced :

Mr. Kilpatrick, a bill to regulate the office of Solicitors in this State ;

Also, a bill to regulate the office of Attorney General ;

Mr. Barnes, a bill to incorporate companies in this State, and save expenses to the State ;

Which were severally read twice, under a suspension of the constitutional rule, and referred to the Judiciary Committee.

Mr. Powell, of Macon, a bill to amend section 6, of an act to incorporate the town of Union Springs, in Macon county ;

Which was read three times, under a suspension of the constitutional rule, and passed.

Mr. Felder presented the account of B. W. Young, late Sheriff of Montgomery county ;

The President laid before the Senate a communication from S. C. Davis ;

Which were referred to the Committee on Accounts and Claims.

Mr. Garrett presented a petition from certain citizens of Coosa county, protesting against the establishment of a certain line for the new county of Wetumpka ;

Which was referred to the Committee on County Boundaries.

Mr. Jackson, of Morgan, a bill to provide for the education of the children of indigent, deceased and disabled soldiers ;

Which was read twice, under a suspension of the constitutional rule, and referred to the Committee on Education.

Mr. Garrett, from the Committee on Finance and Taxation, reported favorably to the House bill—

To authorize the Governor to negotiate a temporary loan for the use of the State, or to issue treasury notes ;

The bill was read a third time, under a suspension of the constitutional rule, and passed.

The title was amended by striking out the words “or to issue treasury notes.”

Mr. Deason, from the Committee on Corporations, reported favorably to the House bill—

To incorporate the Rock Mills Manufacturing and Lumber Company ;

Which was read a third time, under a suspension of the constitutional rule, and passed.

Mr. Winston, from the Judiciary Committee, reported adversely to the bill—

In relation to the use of fire arms by persons of color ;

Which was concurred in.

Mr. Bell, from the Committee on Accounts and Claims, to



which was referred the Account of D. J. Bunting, reported a bill—

To compensate D. J. Bunting for wood furnished the State Capitol ;

Which was read twice, under a suspension of the constitutional rule, and referred to the same committee.

The Senate proceeded to consider the resolution of the House in relation to the election of trustees of the State University, to-day, at 12, m.

On motion, by Mr. Stansel,

The resolution was amended by striking out the words “to fill the vacancies reported by said board of trustees,” and by inserting after the words “elect” the words “a full corps.”

On motion, by Mr. President, (Mr. Sykes in the chair,)

“Wednesday, the 30th” was stricken out, and “Thursday, the 31st” inserted.

The resolution, as amended, was concurred in.

On motion, by Mr. Stansel,

The vote concurring in the adverse report of the Judiciary Committee to the bill—

To regulate the appointment of overseers and supervisors of public roads in this State,

Was reconsidered.

The question recurred on concurring in the report of the committee,

The Senate refused to concur in the report.

Mr. Garrett moved to amend by proviso, as follows :

*Provided*, The provisions of this act shall not apply to the counties of Coosa, Tuscaloosa, Baldwin, Monroe, Clarke, Montgomery, Autauga, Coffee, Covington, Conecuh, DeKalb, Pickens, Calhoun, Butler and Lowndes.

The hour of 12 o'clock having arrived,

On motion, by Mr. Barnes,

The further consideration of the bill was suspended, for the purpose of considering the special orders set for this hour.

The first special order being the joint resolutions—

Relating to the status of Alabama to the Federal Union.

Mr. Lindsay moved to amend by substitute, as follows :

WHEREAS, There has been introduced, and is now under consideration in the Senate, a series of resolutions purporting to be a declaration of certain political principles ; and,

WHEREAS, The adoption or rejection of said resolutions can be productive of no practical results to the people of Alabama ; therefore,

*Resolved*, That, even recognizing the correctness of the prin-

ciples enunciated in said resolutions, it is unnecessary to take further action thereon.

Mr. President ruled the substitute out of order, upon the ground that a simple resolution could not be offered as a substitute for joint resolutions.

Mr. Barnes moved to suspend the constitutional rule to give the joint resolutions a third reading forthwith ;

Which was lost. And they were ordered to a third reading on to-morrow.

### Message from the House by Mr. Fowler :

*Mr. President :*

The House of Representatives has originated and passed the following bills and joint resolutions :

Joint resolutions for the relief of Jefferson Davis and others ;

Also, bills to ratify the issuance of change bills under certain circumstances, in Greene and Sumter counties ;

To continue the collection of the records of Alabama soldiers in the late war ;

To incorporate the Alabama Mining, Manufacturing and Improvement Company ;

For the relief of Levi Hinds, tax assessor for Madison county ;

To allow judges of probate to license disabled soldiers to peddle without license.

The House has passed the Senate bills—

To declare Wm. M. Graves a liner between the counties of Chambers and Tallapoosa, and to change the county line between said counties ;

To incorporate the city of Mobile.

Mr. Jones, from the Committee on Enrolled Bills, reported the following as correctly enrolled :

To repeal an act to increase the pay of county officers of Clarke county, approved November 28, 1863 ;

To authorize the Secretary of State to furnish books to the Solicitor of the 4th judicial circuit ;

To authorize the probate court of Morgan county to order the private sale of certain lands ;

For the relief of Samuel D. Williams, of Jefferson county ;

To revive an act incorporating the town of Pickensville ;

For the relief of John W. and Robert W. Kemp ;

To amend an act to incorporate the Central City Insurance Company, approved November 28, 1863 ;

To fix the time for holding the general elections in this State ;

To authorize the commissioners' court of Jefferson county

to appoint apportioners and overseers of roads at their first term in February, 1866 ;

To amend the charter of the city of Tuscaloosa ;

To incorporate the Perry Insurance and Trust Company.

Message from the Governor by his private Secretary, Mr. Dixon :

*Mr. President :*

His Excellency the Governor has approved the following bills, which originated in the Senate :

To incorporate the Alabama College of Physicians and Surgeons and the Charity Hospital at Montgomery ;

To amend the laws incorporating the town of Montevallo, in Shelby county ;

To authorize the administrators of the estate of Isaac Winston, Jr., late of Lawrence county, to lease lands ;

To authorize Charles Gibson, Judge of Probate, of Lawrence county, to administer on the estate of Benj. F. Milan, deceased.

The Senate resumed the consideration of the special orders.

The next special order being the bill, to extend the indebtedness of the Montgomery and Eufaula Railroad company ;

Its further consideration was postponed until Friday next.

The next special order being the bill, authorizing the Governor to settle with Meyer Lehman and I. T. Tichenor, for services performed and moneys expended for the use of the State ;

Pending the consideration of which,

On motion by Mr. Moren, the Senate adjourned until tomorrow morning, 10 o'clock.

THURSDAY, February 1.

The Senate met pursuant to adjournment.

Upon the call of the districts, the following bills were introduced—

Mr. Wood, a bill to change the location and place of business of the Woodville Insurance company ;

Mr. Boykin, a bill to repeal the third section of an act to incorporate the Brundridge male and female academy ;

Were severally read twice, under a suspension of the constitutional rule, and referred to the committee on Corporations.

Mr. Powell of Macon, a bill to authorize the county of Macon, to issue Treasury Notes for certain county purposes ;

Which was read twice, under a suspension of the constitution.

tional rule, and referred to the committee on Banks and Banking.

Mr. Felder, presented an account of J. Davidson & Co., of Montgomery ;

Which was referred to the committee on Accounts and Claims.

Mr. Huckabee, a bill, to establish the City Court of Demopolis ;

Which was read twice, under a suspension of the constitutional rule, and referred to the Judiciary Committee.

Message from the House by Mr. Fowler.

*Mr. President :*

The House of Representatives has concurred in the amendment by the Senate to the House resolution concerning the election of Trustees of the State University.

The House of Representatives has amended, as therein shown, the Senate bill,

To amend section 3107 of the Code, so as to make the penalty discretionary with the jury,

And, as amended, has passed the bill.

And has originated and passed bills—

To authorize the commissioners court of Morgan county to divide said county into four commissioners districts ;

To increase the salaries of chancellors and circuit judges ;

To regulate the time of holding the chancery court in the first district of the Southern chancery division of this State, and for other purposes therein named ;

For the relief of the sheriff of Montgomery county ;

To form an additional district in the middle chancery division ;

To protect the people of Walker county against fraud.

On motion by Mr. Foster,

Leave of absence was granted to Mr. Slaughter.

The Senate proceeded to consider the bill, the consideration of which was pending at the adjournment on yesterday,

To regulate the appointment of overseers and apportioners of public roads in this State ;

The question pending on the adoption of the amendment offered by Mr. Garrett,

Mr. Forney moved to lay the bill and amendment on the table, which was lost.

Yeas 14 ; nays 18.

YEAS—Messrs. President, Ashley, Bell, Cooper, Deason, Ed-

wards, Felder, Forney, Garrett, Kilpatrick, Powell of Tuscaloosa, Stansel, Sykes and Winston—14.

NAYS—Messrs. Barnes, Bell, Boykin, Castens, Drake, Foster, Gage, Huckabee, Jackson of Lauderdale, Jackson of Morgan, Jones, Lindsay, Mitchell, Montgomery, Moren, Norwood, Powell of Macon, Wood, and Woodliff—18.

Mr. Edwards moved to postpone the further consideration of the bill until to-morrow, 12 o'clock ;

Which was lost.

On motion by Mr. Lindsay,

The further consideration of the bill was postponed indefinitely.

Mr. Stansel, from the Committee on Corporations, reported favorably to the bill,

To incorporate the Tuscaloosa Scientific and Art Association for the purpose of encouraging science and art, and aid the University of the State in replacing its library, and establishing a scientific museum, with the following amendments :

Add at the end of the 3d section, the words " and each stockholder shall be individually liable to the creditors and beneficiaries of the said corporation to the extent of his or her stock."

At the end of section 6, add the following : " and the said corporation shall have the power to offer premiums or prizes in money for the best essays on science and art, written by citizens of Alabama, or to the most deserving works of art executed by citizens of Alabama, or to the most useful inventions in mechanics, science or art, made by citizens of Alabama."

The amendments were adopted,

And the bill read a third time under a suspension of the constitutional rule and passed.

Mr. Jackson, of Morgan, from the Committee on Corporations, reported favorably to the House bill,

To incorporate the Alabama Petroleum and Lamp Company, with an amendment as follows :

Insert the words " for twenty-five years " after the word " succession " in the first section ;

Which was adopted,

And the bill read a third time, under a suspension of the constitutional rule and passed.

Mr. Forney, from the Committee on Corporations, reported a substitute for the bill,

To incorporate the Southern Commercial Association ;

Which was adopted,

And the bill was read a third time, under a suspension of the constitutional rule, and passed.

Mr. Deason, from same committee, reported favorably to the bill,

To enlarge the powers of the town council of Cahaba;

Mr. Forney moved to amend by inserting the word "resident" before the word "lawyers," in the 2d section;

Which was adopted,

And the bill was read a third time, under a suspension of the constitutional rule, and passed.

Mr. Stansel, from the Judiciary Committee, reported favorably to the bill,

To amend an act to incorporate a company to build a bridge across the Warrior river, opposite the city of Tuscaloosa, approved January 2, 1833;

The bill was read a third time, under a suspension of the constitutional rule, and passed.

Mr. Kilpatrick, from the Judiciary committee, reported adversely to the bill,

To amend section 2564 of the Code.

The report was concurred in.

Mr. Moren, from the Committee on Accounts and Claims, to which was referred the account of John G. Harvey, reported a bill—

For the relief of John G. Harvey, of the county of Greene;

Which was read three times, under a suspension of the constitutional rule, and passed.

Also, favorably to the bill—

To compensate D. J. Bunting for wood furnished the State Capitol;

The bill was read a third time, under a suspension of the constitutional rule, and passed.

Mr. Deason, from same committee, reported favorably to the bill—

To incorporate the Empire Oil and Mining Company;

The bill was read a third time, under a suspension of the constitutional rule, and passed.

Mr. Powell, of Tuscaloosa, from the Judiciary Committee, reported adversely to the bill—

To authorize administrators, executors, guardians and trustees to compromise.

Mr. Sykes moved to lay the report on the table;

Which carried,

And the further consideration of the bill was postponed, and made the special order for to-morrow at 12 o'clock.

The hour of 12 o'clock having arrived,

The consideration of the special orders was suspended for the purpose of receiving reports from committees.

Mr. Forney, from the Committee on Corporations, reported favorably to the House bill—

To incorporate the Georgia and Alabama Coal Oil and Manufacturing Company ;

The constitutional rule was suspended, and the bill read a third time and passed.

Mr. Stansel, from the Committee on Corporations, reported favorably to the House bill—

To incorporate the Montgomery Oil and Mining Company, of Alabama, with an amendment thereto ;

Which were adopted,

And the bill read a third time, under a suspension of the constitutional rule, and passed.

Mr. Norwood, from same committee, reported favorably to the House bill—

To incorporate the Mobile Mutual Insurance Company ;

Which was read a third time, under a suspension of the constitutional rule, and passed.

Mr. Barnes, from the select committee, reported a substitute for the House bill—

To prevent persons from interfering, so as to induce laborers or servants to abandon their contracts, or to employ such without the consent of their original employer before the expiration of the contract ;

Which was adopted.

Mr. Felder moved to amend the substitute by inserting after the word "sum" the words "not less than fifty nor more than five hundred dollars";

Which was lost.

On motion by Mr. Huckabee, the vote just taken was reconsidered, and the question recurring on the adoption of the amendment, it was adopted.

The hour of 12 o'clock having arrived,

The Senate was invited into the hall of the House for the purpose of electing trustees for the State University, in accordance with the resolution adopted by the two Houses.

The Senate repaired to the hall of the House, when the two houses in convention proceeded with the election.

For the first judicial circuit, the name of Hon. Porter King, of Perry county, alone being in nomination, and having received one hundred and twenty votes, it being all the votes cast.

Mr. Speaker declared him duly and constitutionally elected

a trustee of the State University for the term prescribed by law.

For the second judicial circuit, the name of Frances Bugbee, of Montgomery, alone being in nomination, and having received one hundred and twenty votes, it being all the votes cast,

Mr. Speaker declared him duly and constitutionally elected a trustee of the State University for the time prescribed by law.

For the third judicial circuit, the names of William S. Mudd, of Jefferson county, James H. Fitts, of Tuscaloosa county, B. F. Peters, of Fayette county, John R. Blocker, of Tuscaloosa county, John J. Ormond, of Tuscaloosa county, and Robert Jemison, Jr., being in nomination, upon a ballot being had it was ascertained that Mr. Mudd had received 115 votes; Mr. Pitts, 68; Mr. Peters, 107; Mr. Blocker, 39; Mr. Ormond, 43; Mr. Jemison, 90.

Messrs. Mudd, Peters, Jemison and Fitts having received a majority of all the votes cast,

Mr. Speaker declared them duly elected trustees for the University for the 3d judicial circuit for the time prescribed by law.

For the fourth judicial circuit, the name of Z. F. Freeman, of Morgan county, alone being in nomination, and having received one hundred and twenty votes, it being all the votes cast,

Mr. Speaker declared him duly elected a trustee of the State University for the fourth judicial circuit for the term prescribed by law.

For the Fifth Judicial Circuit, the name of A. M. Gibson, of Blount, alone being in nomination, and having received one hundred and twenty-two votes, it being all the votes cast,

Mr. Speaker declared him duly elected a Trustee for the fifth Judicial Circuit, for the term prescribed by law.

For the Sixth Judicial Circuit, the name of C. Clarke, of Mobile, alone being in nomination, and having received ninety-six votes, it being all the votes cast,

Mr. Speaker declared him duly elected a Trustee for the State University, for the sixth Judicial Circuit, for the term prescribed by law.

For the Seventh Judicial Circuit, the names of Wm. T. Webb, of Greene county, and John T. Foster, of Choctaw county, being in nomination, upon a ballot being had, it was ascertained that Mr. Foster had received eighty-seven votes, and that Mr. Webb had received fourteen votes;



Mr. Foster having received a majority of all the votes cast, Mr. Speaker declared him duly elected a Trustee of the University for the seventh Judicial Circuit, for term prescribed by law.

For the Eighth Judicial Circuit, the names of

A. N. Worthy, of Pike county,

J. McCaleb Wiley, of Pike county,

John Cochran, of Barbour county, being in nomination,

Upon a ballot being had, it was ascertained that

Mr. Worthy had received 87 votes,

Mr. Wiley       “       “       7   “

Mr. Cochran   “       “       7   “

Mr. Worthy having received a majority of all the votes cast, Mr. Speaker declared him duly elected a Trustee of the State University for the eighth Judicial Circuit for the term prescribed by law.

For the Ninth Judicial Circuit, the name of J. C. Meadors, of Chambers county, and W. C. McIver, of Macon county, being in nomination,

Upon a ballot being had, it was ascertained that Mr. Meadors had received seventy-eight votes, and Mr. McIver had received twenty-three votes.

Mr. Meadors having received a majority of all the votes cast,

Mr. Speaker declared him duly and constitutionally elected a Trustee of the State University for the ninth Judicial Circuit, for the term prescribed by law.

For the Tenth Judicial Circuit, the name of George S. Walden, of Talladega county, alone being in nomination, and having received seventy-six votes, it being all the votes cast,

Mr. Speaker declared him duly and constitutionally elected a Trustee of the State University, for the tenth Judicial Circuit, for the term prescribed by law.

For the 11th Judicial Circuit, the names of Felix Tate, of Wilcox county, and B. F. Porter, of Butler county, being in nomination ;

Upon a ballot being had, it was ascertained that Mr. Porter had received 76 votes, and Mr. Tate had received 13 votes.

Mr. Porter having received a majority of all the votes cast, the Speaker declared him duly and constitutionally elected a Trustee of the State University for the 11th Judicial Circuit for the term prescribed by law.

The business of the Convention being concluded, the Senate returned to its chamber.

Mr. Jones, from the Committee on Enrolled Bills, reported as correctly enrolled the bill---

To incorporate the city of Mobile.

On motion of Mr. Cooper, the Senate adjourned until to-morrow morning, 10 o'clock.

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FRIDAY, February 2, 1866.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Petrie.

Upon the call of the districts, the following bills were introduced :

Mr. Gage, a bill to punish trespasses upon School lands in the county of Mobile ;

Also, a bill to provide for the erection and purchase of school lands, and the purchase of libraries and apparatus for the public schools in the county of Mobile ;

Mr. Stausel, a bill to change the mode of appointing Trustees of the University of Alabama ;

Which were severally read three times, under a suspension of the constitutional rule, and passed.

Mr. Felder, a bill to confer power upon the city council of Montgomery for safe keeping and punishment of offenders ;

Mr. Drake, a bill for the relief of Worley White, of Madison county ;

Which were severally read twice, under a suspension of the constitutional rule, and referred to the Judiciary Committee.

Mr. Felder, a bill to amend the charter of the city of Montgomery, to extend certain bonds due by the city for building the State House ;

Which was read twice, under a suspension of the constitutional rule, and referred to the same committee.

Mr. Winston, a bill to extend the indebtedness of the N. E. and S. W. Alabama R. R. Company, and Wills Valley R. R. Company, incurred under provisions of an act to loan and appropriate the three per cent. fund and its interest, approved February 18th, 1860.

Which was read twice, under a suspension of the constitutional rule, and referred to the Committee on Internal Improvements.

Mr. Gage, a bill to incorporate the Brazilian Steamship Company ;

Which was read twice, under a suspension of the constitutional rule, and referred to the Committee on Corporations.

Reports from committees being in order, the Senate proceeded to consider the report pending on yesterday to the House bill

To prevent interfering so as to induce laborers or servants to abandon their contracts, or to employ such without the consent of their employer before the expiration of the contract.

Mr. Felder moved to strike out section 3.

Mr. Moren moved the previous question, and the question being "shall the main question be now put", it was put and carried.

Yeas 26 ; nays 6.

YEAS—Ashley, Barnes, Bell, Boykin, Castens, Cooper, Deason, Edwards, Forney, Foster, Gage, Garrett, Huckabee, Jackson of Lauderdale, Jackson of Morgan, Kilpatrick, Lindsay, Mitchell, Montgomery, Moren, Norwood, Powell of Macon, Stansel, Winston, Wood and Woodliff—26.

NAYS—Messrs. President, Drake, Felder, Jones, Powell of Tuscaloosa, and Sykes—6.

The main question being on ordering the bill to a third reading, which was put and carried.

Yeas 26 ; nays 5.

YEAS—Messrs. President, Ashley, Barnes, Bell, Boykin, Castens, Cooper, Deason, Edwards, Forney, Foster, Gage, Garrett, Huckabee, Jackson of Lauderdale, Jackson of Morgan, Kilpatrick, Lindsay, Mitchell, Montgomery, Moren, Norwood, Powell of Macon, Stansel, Winston, Wood and Woodliff—27.

NAYS—Messrs. Drake, Felder, Jones, Powell of Tuscaloosa, and Sykes—5.

Message from the House by Mr. Fowler :

*Mr. President :*

The House of Representatives has originated and passed the following bills :

To authorize the Governor to negotiate a temporary loan for the State ;

Relating to the burnt and destroyed records and papers of Limestone county ;

To legalize marriages that took place within the Federal military lines during the occupation of the State by the enemy, between the 11th day of April, 1862, and the 1st day of July, 1865 ;

To repeal an act entitled " an act to repeal certain acts regulating judicial proceedings and for other purposes ;

To incorporate the Ivy Creek Academy, in the county of Autauga ;

To amend section 2313 of the Code ;

Joint resolutions for the relief of county superintendents of education ;

To amend certain sections of the charter, and amend charter of the Alabama and Tennessee River Railroad Company, and to enlarge the powers of said company.

Message from the Governor, by his private secretary, Mr. Dalton.

*Mr. President :*

His Excellency the Governor has approved the following bill which originated in the Senate :

To incorporate the city of Mobile.

On motion by Mr. Garrett,

Reports from committees were suspended to consider the House bill,

To authorize the Governor to negotiate a temporary loan for the use of the State ;

The bill was read three times under a suspension of the constitutional rule, and passed.

Yeas, 31 ; nays, none.

YEAS—Messrs. President, Ashley, Barnès, Bell, Boykin, Castens, Cooper, Deason, Drake, Edwards, Forney, Foster, Gage, Garrett, Huckabee, Jackson of Lauderdale, Jackson of Morgan, Jones, Kilpatrick, Lindsay, Mitchell, Montgomery, Moren, Norwood, Powell of Macon, Powell of Tuscaloosa, Stansel, Sykes, Winston, Wood, and Woodliff—31.

On motion of Mr. Garrett, the bill

To regulate judicial proceedings, was taken from the table, and its consideration postponed and made the special order for Monday next, 11 o'clock.

The hour of 11 o'clock having arrived, the Senate proceeded to consider the special order for this hour, it being the bill,

In furtherance of justice and to diminish litigation by curing, removing, or rendering unavailable, defects in, or objections to process returnable to any court of this State, issued between the 1st day of May, 1865, and the 20th day of July 1865, in consequence of any order of any military officer of the United States, and the levy, service, execution, and return of such process ;

The bill was ordered to a third reading.

Mr. Garrett, from the Committee on State Printing, reported favorably to the bill,

To repeal an act to reduce the amount of public printing to be done for the State, approved December 14, 1864, and to regulate the pay of the public printer,

With an amendment that the blank in section 3, be filled with the words "one hundred."

On motion by Mr. Cooper,

The bill was re-committed to the same committee with instructions to report a bill containing a setting forth the prices to be paid for public printing.

Mr. Deason, from the Committee on Corporations, reported favorably to the bill—

To repeal the third section of an act to incorporate the Brundridge Male and Female Academy.

The bill was read a third time, under a suspension of the constitutional rule, and passed.

Mr. Forney, from the Committee on Education, reported adversely to the bill—

To authorize the Governor to appoint a person to revise the Geological Survey of Professor Toumey ;

Which was concurred in.

Mr. Mitchell, from the same committee, reported a substitute for the bill—

To amend the school system of this State, with the following title:

To regulate the returns of the Superintendent of Education ;

Which was adopted,

And the bill read a third time, under a suspension of the constitutional rule, and passed.

Mr. Kilpatrick, from same committee, reported adversely to the bill—

To provide for the education of the children of indigent, deceased and disabled soldiers in this State ;

Which was concurred in.

The Senate proceeded to consider the general orders.

The bill to incorporate the Southern Commercial Association,

Was read a third time, and passed.

The joint resolutions—

Relating to the status of Alabama to the Federal Union.

Which were read a third time, and adopted.

The House bills—

To amend section 1099 of the Code, so far as the same relates to the county of Limestone ;

To amend an act to authorize the commissioners court of the

county of Lauderdale to issue treasury notes to pay for the building of important bridges, repairing of court house, and other purposes, approved Dec. 14, 1865;

For the relief of the people of Walker county, and for other purposes,

Were severally read twice, under a suspension of the constitutional rule, and passed.

The House bills—

To authorize Horace King to make a turnpike road in the town of Girard, in Russell county,

Was read twice, under a suspension of the constitutional.

Mr. Gastens moved to amend by inserting the names of Alfred Iverson, R. L. Mott and S. M. Ingersoll before the name of Horace King;

Which was adopted,

And the bill read a third time forthwith, and passed.

The title was amended so as to correspond with the body of the bill—

The hour of 12 o'clock having arrived,

The Senate proceeded to consider the special orders, the first in order being the bill,

Authorizing the Governor to settle with Meyer Lehman and I. T. Tichenor, for services performed and moneys expended in the service of the State.

The question pending being on concurring in the adverse report of the committee,

The Senate concurred in the report.

Yeas 21 ; nays 9.

YEAS—Messrs President, Ashley, Bell, Cooper, Drake, Edwards, Forney, Foster, Gage, Garrett, Jones, Lindsay, Mitchell, Montgomery, Moren, Powell of Tuscaloosa, Stansel, Sykes Winston, Wood, and Woodliff—21.

NAYS—Messrs Barnes, Boykin, Deason, Felder, Huckabee, Jackson of Lauderdale, Kilpatrick, Norwood, and Powell of Macon—9.

The next special order, being the bill,

Authorizing the Governor to make settlement with McClung, Jaques & Co., and all other agents acting under the authority of the State,

The question pending being on concurring in the adverse report of the committee ;

Pending the consideration of which,

On motion by Mr. Barnes,

The Senate adjourned until to-morrow morning at ten o'clock.

SATURDAY, February 3.

The Senate met pursuant to adjournment

Prayer by Rev. Dr. Petrie.

Upon the call of the districts, the following bills were introduced :

Mr. Forney, a bill for the relief of Madison B. Camp and Eliza J. Matfield, of Calhoun county ;

Mr. Montgomery, a bill for the relief of Daniel A. Long, of Talladega county, accompanied with a petition ;

Mr. Powell, of Macon, a bill to make Eliza Webb, wife of Conrad Webb, residing in Macon county, a free dealer ;

Mr. Felder, a bill for the relief of Elizabeth *alias* Eliza Pizala ;

Which were severally read twice, under a suspension of the constitutional rule, and referred to the Committee on the Judiciary.

Mr. Lindsay, a bill to incorporate the Selma and Montgomery Navigation Company ;

Mr. Gage, a bill for to incorporate the Mississippi and Alabama Oil and Mining Company ;

Which were severally read twice, under a suspension of the constitutional rule, and referred to the Committee on Corporations ;

Which were severally read twice, under a suspension of the constitutional rule, and referred to the Committee on Corporations.

Mr. Forney presented a petition from citizens of Calhoun county, asking that Daniel A. Long, of Talladega county, be relieved from penalties for issuing change bills, which was referred to the Judiciary Committee.

Mr. Boykin, a bill to authorize the commissioners' court of Pike county to issue treasury notes to pay for building bridges, enlarging and repairing the court house and jail, and for other purposes.

Mr. President, (Mr. Sykes in the chair,) a bill to authorize the court of county commissioners of Lawrence county to borrow money and levy a special tax for the repayment thereof ;

Which were severally read three times, under a suspension of the constitutional rule, and passed.

On motion by Mr. Kilpatrick, the vote concurring in the adverse report of the Committee on Education to the bill,

To provide for the education of the children of indigent, deceased, and disabled soldiers, in this State,

Was reconsidered, and the bill recommitted to the same committee.

Mr. Garrett moved to reconsider the vote making the bill,  
To regulate judicial proceedings, for Monday next;  
Which was lost.

Mr. Powell, of Tallapoosa, moved to reconsider the vote concurring in the adverse report of the Committee on Education to the bill,

To authorize the Governor to appoint a person to revise the Geological Report of the late Professor Toumey,  
Which was lost.

Mr. Garrett, from the Committee on Finance and Taxation, reported favorably to the bill,

To fix the pay of the Adjutant and Inspector General, with the following amendments:

Amend by striking out "two thousand" in section 1 and inserting "six hundred."

Amend by adding additional sections, as sections 2 and 3;

Which were adopted, and the bill read a third time, under a suspension of the constitutional rule, and passed.

The title was amended by adding the words: and the Quartermaster General."

Message from the House by Mr. Fowler:

*Mr. President:*

The House of Representatives has passed the following Senate bills:

To incorporate the Governor's Guards;

To punish trespasses on the school lands in Mobile county;

To authorize the Court of Probate of Mobile county, to take jurisdiction of the estate of John Aiken, deceased;

To repeal an act to authorize the qualified voters of the city of Tuscaloosa to elect a city Marshal, approved February 5th, 1840;

To establish a Medical Board in the counties of Washington and Choctaw;

Authorizing the Courts of County Commissioners of this State, to license and permit wounded and disabled soldiers in the late Confederate army to peddle free of tax in their respective counties;

To incorporate the Central Mining and Petroleum company;

To alter and amend section six of an act to incorporate the town of Union Springs in Macon county;

The House has amended, as therein shown, and passed the Senate bills—

To amend an act to incorporate a company to build a bridge



across the Warrior river, opposite the city of Tuscaloosa, approved January 2, 1833 ;

To punish malpractices by servants and employees of incorporated companies.

The House has also passed the Senate bill,

To incorporate the Scientific and Art Association, for the purpose of encouraging science and art, and aiding the University of the State in replacing its Library and establishing a Scientific Museum ;

Mr. Forney, from the committee on Corporations, reported favorably to the House bill,

To incorporate the Stonewall Insurance company ;

Mr. Jackson, of Morgan, from same committee, reported favorably to the bill, to incorporate the Chattahoochee Manufacturing company ;

Mr. Deason, from same committee, reported favorably to the bill, to incorporate the Alabama and Georgia Manufacturing company ;

Mr. Powell, of Tuscaloosa, from committee on Internal Improvements, reported favorably to the House bill, to incorporate the Decatur and Danville Railroad company ;

Which were severally read a third time, under a suspension of the constitutional rule, and passed.

Mr. Stansel, from the Judiciary Committee, reported a substitute for the House bill, to repeal an act to suppress more effectually the distillation of grain, with the following title :

To repeal all laws heretofore in force in relation to the distillation of grain in this State ;

Which was adopted, and the bill read a third time, under a suspension of the constitutional rule, and passed.

Mr. Lindsay, from the Committee on Corporations, reported adversely to the House bill

To incorporate the town of Tuskegee, in Macon county ;

The report was laid on the table, and the bill recommitted to the Judiciary Committee.

Mr. Moren, from the Committee on Internal Improvements, reported favorably to the House joint resolution to invite immigration to Alabama.

The resolution was adopted.

Mr. Lindsay, from the Committee on Corporations, reported a substitute for the bill

To incorporate the Alabama Mutual Fire Insurance Company ;

Which was adopted, and the bill read a third time, under a suspension of the constitutional rule, and passed.

Mr. Stansel, from the same committee, reported favorably to the bill

To incorporate the Rock and Lignite Oil Company of Alabama, with the following amendment :

Strike out the word "exclusive" in the fourth line of section five ;

Which was adopted.

Mr. Stansel moved to amend as follows :

After the word "Lignite," in sections 5 and 6, insert the words "boring for petroleum and other fluids, mining for other minerals and manufacturing and refining the same";

Which was adopted, and the bill read a third time and passed.

Mr. Powell, of Tuscaloosa, from the Committee on Enrolled Bills, reported the following as correctly enrolled :

To incorporate the Tuscaloosa Scientific and Art Association, for the purpose of encouraging science and art, and aiding the University of the State in replacing its library, and establishing a Scientific Museum ;

To amend an act to incorporate a company to build a bridge across the Warrior river, opposite the city of Tuscaloosa, approved January 2, 1833.

Mr. Forney, from the Judiciary Committee, reported favorably to the bill

To incorporate companies in this State, and save expenses to the State.

Mr. Lindsay moved to amend as follows :

*Provided*, That this act shall not take effect until the adjournment *sine die* of the present session of the General Assembly.

On motion, by Mr. Garrett,

The amendment was laid on the table.

Yeas, 16 ; nays, 14.

YEAS—Messrs. President, Ashley, Barnes, Bell, Boykin, Castens, Cooper, Drake, Felder, Garrett, Jones, Mitchell, Montgomery, Moren, Wood and Woodliff—16.

NAYS—Messrs. Deason, Edwards, Forney, Foster, Gage, Huckabee, Jackson of Morgan, Lindsay, Norwood, Powell of Macon, Powell of Tuscaloosa, Stansel, Sykes, and Winston—14.

Mr. Barnes moved to amend by additional section as section 49.

On motion, by Mr. Moren,

The further consideration of the bill and amendment was postponed until Monday next, at 12. o'clock, and made the special order for that hour.

The Senate concurred in the amendment of the House to the bill—

To amend an act to build a bridge across the Warrior river, opposite the city of Tuscaloosa, approved January 2, 1833.

Mr. Moren, from the Committee on Accounts and Claims, to which was referred the account of B. W. Young, reported a bill—

For the relief of B. W. Young, late Sheriff of Montgomery county ;

Which was read three times, under a suspension of the constitution rule, and passed.

Mr. Cooper, from the Judiciary Committee, reported favorably to the bill—

To regulate the office of Solicitor in this State.

The bill was read a third time, under a suspension of the constitution rule, and passed.

The title was amended, so as to read as follows :

Requiring Solicitors to make annual returns to the Attorney General.

The Senate proceeded to consider the special order,

The bill authorizing the Governor to make settlement with McClung, Jaques & Co., and all other agents acting under the authority of the State.

The question pending being on concurring in the adverse report of the Committee on the Judiciary.

The report was concurred in.

Yeas, 19 ; nays, 8.

YEAS—Messrs. President, Ashley, Barnes, Bell, Cooper, Deason, Drake, Edwards, Felder, Forney, Gage, Garrett, Jackson of Morgan, Jones, Montgomery, Moren, Powell of Tuscaloosa, Stansel, Sykes, and Woodliff—19.

NAYS—Messrs. Barnes, Boykin, Foster, Huckabee, Jackson of Lauderdale, Kilpatrick, Lindsay, and Norwood—8

The next special order, being the resolution offered by Mr. Deason, on the 29th inst., in relation to the postponement of all action on the subject of the formation of new counties at the present session of the General Assembly.

On motion by Mr. Garrett,

The resolution was laid on the table.

The next special order, being the bill,

To authorize executors, administrators, guardians and trustees to compromise,

Mr. Powell, of Tuscaloosa, moved to amend by substitute.

The bill and substitute were recommitted to the Judiciary Committee.

The next special order, being the bill,  
To incorporate the Mississippi Valley Company.

On motion by Mr. Barnes,

Its consideration was postponed, and made the special order for Monday next, 12 o'clock.

The next special order, being the bill,

To extend the indebtedness of the Montgomery and Eufaula Railroad Company ;

The further consideration of which was postponed, and made the special order for Monday next.

Mr. Stansel, from the Committee on Corporations, reported favorably to the bill,

To incorporate the American and Brazilian Steamship Co.

With an amendment, by way of substitute for section 7,

Which was adopted,

And the bill read a third time, under a suspension of the constitutional rule, and passed.

The Senate proceeded to consider the

#### GENERAL ORDERS.

The House bill—

To prevent persons from interfering so as to induce laborers or servants to abandon their contracts or to employ such without the consent of their original employer before the expiration of the contract,

Was read a third time and passed.

Yeas 21 ; nays 11.

YEAS—Messrs. President, Ashley, Barnes, Boykin, Castens, Cooper, Forney, Foster, Gage, Garrett, Huckabee, Jackson of Lauderdale, Jackson of Morgan, Kilpatrick, Lindsay, Mitchell, Montgomery, Moren, Norwood, Powell of Macon, and Stansel—21.

NAYS—Messrs. Bell, Deason, Drake, Edwards, Felder, Jones, Powell of Tuscaloosa, Sykes, Winston, Wood, and Woodliff—11.

Messrs. Moren and Huckabee asked leave of absence for a few days ; which was granted.

Message from the Governor by his private Secretary Mr. Dixon :

*Mr. President :*

His Excellency the Governor has approved the following bills, which originated in the Senate :

To incorporate the Central Mining and Petroleum Company;

To incorporate the Tuscaloosa Scientific and Art Association, for the purpose of encouraging science and art, and aiding the University in replacing its library and establishing a Scientific Museum;

To amend an act to incorporate a company to build a bridge across the Warrior river, opposite the city of Tuscaloosa, approved January 2, 1833.

The Senate then adjourned until Monday morning, 10 o'clock.

MONDAY, February 5.

The Senate met pursuant to adjournment.

Upon the call of the districts, the following bills were introduced :

Mr. Gage, a bill to incorporate the Southern Press Association ;

Mr. Forney, a bill to incorporate the Tallasseehatchee Lead Mining Company of Calhoun county ;

Mr. Deason, a bill to incorporate the Greensboro Hotel Company ;

Which were severally read twice, under a suspension of the constitutional rule, and referred to the Committee on Corporations.

Mr. Winston, a bill to encourage the compromise of indebtedness and the extension of the payment thereof.

Mr Cooper, a bill to repeal sections 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, of the Code ;

Which were severally read twice, under a suspension of the constitutional rule, and referred to the Judiciary Committee.

Mr. Felder, a bill to authorize the issuance of execution in certain cases, notwithstanding the death of parties to the judgments ;

Mr. Cooper, a bill to give the probate court of Wilcox county jurisdiction of the estate of David Packer, deceased ;

Mr. Barnes, a bill to declare Elizabeth Hariss, wife of Matthew Hariss, of Chambers county, a free dealer.

Mr. Drake, a bill to declare Eliza Garrison, of Montgomery county, a free dealer ;

Which were severally read three times, under a suspension of the constitutional rule, and passed.

Mr. President, (Mr. Ashley in the chair,) a bill to incorporate the town of Lowndesboro in Lowndes county ;

Which was read twice, under a suspension of the constitutional rule.

Mr. President moved to amend by additional section as section 10 ;

Which was adopted, and the bill read a third time, under a suspension of the constitutional rule, and passed.

The title was amended by adding as follows: " And to extend the provisions of this act to the town of Hayneville, in said county."

Mr. Boykin, a bill to establish a new county, to be called the county of Crenshaw ;

Which was read twice, under a suspension of the constitutional rule, and referred to the Committee on County Boundaries.

Mr. Winston gave notice of a motion to reconsider the vote concurring in the adverse report of the committee to the bill,

Authorizing the Governor to make a settlement with McClung, Jaques & Co., and all other agents acting under authority of the State.

The Senate proceeded to consider the general orders.

The Senate bill,

To punish malpractices by servants and employees of incorporated companies, as amended by substitute in the House,

Was referred to the Judiciary Committee.

The House bills,

To authorise the commissioners' court of Madison county to establish gates on the public roads of said county ;

To re-establish the lines of Ackerville beat, in Wilcox county ;

Were severally read twice, under a suspension of the constitutional rule, and referred to the Judiciary Committee.

The House bills,

To encourage the erection and repair of buildings and machinery in the county of Madison ;

To make Elizabeth Ellis, of Macon county, a free dealer ;

To make Jane P. Lyon, of Monroe county, a free dealer ;

To prohibit the court of county commissioners for Madison county from levying a greater tax than fifty per cent. on the State tax, for county purposes, for the year 1866 ;

For the relief of A. Wax, of Marion county ;

Were severally read three times, under a suspension of the constitutional rule, and passed.

The House bill—

For the relief of James Berry, of the town of Dadeville, in Tallapoosa county ;

Was read twice, under a suspension of the constitutional rule, and referred to the Committee on Finance and Taxation.

The House bill—

To continue the collection of the records of Alabama soldiers in the late war ;

Was read twice, under a suspension of the constitutional rule, and referred to the committee on military affairs.

The House bill—

To erect a suitable monument over the grave of Canada Butler, late member of the House of Representatives from Madison county, who departed this life in this city, December 12th, 1862 ;

Was read three times, under a suspension of the constitutional rule, and passed.

Yeas, 28 ; nays, none.

YEAS—Messrs. President, Ashley, Barnes, Bell, Boykin, Castens, Deason, Drake, Edwards, Felder, Forney, Foster, Gage, Garrett, Jackson of Lauderdale, Jackson of Morgan, Jones, Kilpatrick, Lindsay, Montgomery, Norwood, Powell of Macon, Powell of Tuscaloosa, Stansel, Sykes, Winston, Wood, Woodliff—28.

The hour of 11 o'clock having arrived, the Senate proceeded to consider the special order, it being the bill—

To regulate judicial proceedings.

On motion by Mr. Lindsay, the Senate resolved itself into a committee of the whole, (Mr. Garrett in the chair) to consider the same.

After considering the bill, the Committee rose and through its chairman, Mr. Garrett, reported progress and asked leave to sit again, which was granted.

The Senate proceeded to consider the general orders :

The bill—

In furtherance of justice and to diminish litigation by curing, removing, or rendering unavailable defects in or objections to process, returnable to any court of this State, issued between the 1st day of May, 1865, and the 20th day of July, 1865, in consequence of any order of any military officer of the United States, and the levy, service, execution, and return of such process ;

Was read a third time and lost.

Yeas, 8 ; nays, 18.

YEAS---Messrs. President, Barnes, Boykin, Jackson of Morgan, Jones, Powell of Tuscaloosa, Stansel, and Winston---8.

NAYS---Messrs. Ashley, Bell, Cooper, Drake, Edwards, Felder, Forney, Foster, Gage, Garrett, Kilpatrick, Lindsay, Mitchell, Montgomery, Norwood, Powell of Macon, Sykes, and Woodliff --18.

Message from the House by Mr. Clanton :

*Mr. President :*

The House of Representatives has originated and passed the following bills :

For the regulation of the chartered banks of this State ;

To provide for the erection and purchase of school-houses, and the purchase of libraries and apparatus for the public schools in the county of Mobile.

Mr. Jones, from the Committee on Enrolled Bills, reported the following as correctly enrolled :

To authorize the commissioners' court of Jefferson county to issue bonds for the purpose of purchasing corn and building a jail for said county ;

To declare William H. Graves, a liner between the counties of Chambers and Tallapoosa, a citizen of Chambers county, and to change the line between said counties ;

Authorizing the courts of county commissioners of this State to license and permit wounded and disabled soldiers in the late Confederate army to peddle free of tax in their respective counties ;

To repeal an act to increase the compensation of the members of the commissioners' court of Pike, and other counties named, approved October 7, 1864 ;

To establish a medical board in the counties of Washington and Choctaw ;

To punish trespassers on the school lands of Mobile county ;

To authorize the probate court of Mobile county to take jurisdiction of the estate of John G. Aikin, deceased ;

To repeal an act to authorize the qualified voters of the city of Tuscaloosa to elect a city marshal, approved February 5th, 1840 ;

To incorporate the Governor's Guards ;

To alter and amend section 6 of an act to incorporate the town of Union Springs, in Macon county ;

The Senate then adjourned until to-morrow morning 10 o'clock.

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TUESDAY, February 6.

The Senate met pursuant to adjournment.



Upon the call of the districts the following bills were introduced :

Mr. President, (Mr Jones in the chair,) a bill to incorporate a medical college in Greenville, Alabama ;

Which was read three times under a suspension of the constitutional rule and passed.

Mr. Garrett, a bill concerning the final record in cases in the supreme court :

Mr. Lindsay, a bill to amend section 1683 of the Code ;

Which were severally read twice, under a suspension of the constitutional rule, and referred to the Judiciary Committee.

Mr. Garrett presented a petition of certain citizens of Tallapoosa county, praying to be included in the proposed new county of Wetumpka ;

Which was referred to the committee on County Boundaries.

Message from the Governor by his private Secretary, Mr. Dixon :

*Mr. President:*

His Excellency the Governor has approved the following bills, which originated in the Senate:

To amend an act to incorporate the Central City Insurance company, approved November 28, 1853 ;

For the relief of John W. Kemp and Robert W. Kemp ;

To revive the act incorporating the town of Pickensville ;

For the relief of Samuel D. Williams, of Jefferson county ;

To authorize the Probate Court of Morgan county to order the private sale of certain lands ;

To authorize the Secretary of State to furnish books to the Solicitor of the 4th Judicial Circuit ;

To repeal an act to increase the pay of County Officers of Clarke county, approved November 28, 1863 ;

To amend the charter of the city of Tuscaloosa ;

To authorize the Commissioners' Court of the county of Jefferson, to appoint apportioners and overseers of roads at their first term in February, 1866 ;

To fix the time for holding the General Elections in this State.

Mr. Stansel, from the Committee on Corporations, reported favorably to the bill, to incorporate the Greensboro Hotel company ;

Mr. Lindsay, from same committee, also, favorably to the bill, to incorporate the Mobile Fire Department Insurance company, of Mobile ;

Which were severally read a third time, under a suspension of the constitutional rule, and passed.

Mr. Jackson of Morgan, from the committee on Internal Improvements, reported favorably to the House bill, to extend the indebtedness of the Montgomery and Eufaula Railroad company ;

Mr. Powell, of Tuscaloosa, moved to amend by proviso, as follows :

*Provided, further,* That nothing herein contained shall be construed or held to admit or deny the right of the Mountain Railroad Contracting Company to any portion of the fund or debt herein provided to be extended, it being the true intent and meaning of this act to provide for the extension of the debt due by the Montgomery and Eufaula Railroad Company, without deciding thereby the question of the justice of the claim of the Mountain Railroad Contracting Company, or any other company, claiming said fund under the provisions of any existing law of this State.

On motion by Mr. Cooper,

The further consideration of the bill, and amendment, was postponed until to-morrow, 11 o'clock.

Mr. Lindsay moved to reconsider the vote refusing to pass the bill.

In furtherance of justice, and to diminish litigation by curing, removing or rendering invalid defects in, or objections to, process returnable to any court of this State, issued between the 1st day of May, 1865, and the 20th day of July, 1865, in consequence of any order of any military officer of the United States, and the levy, service, execution and return of such process.

The consideration of the motion was postponed for the present.

On motion by Mr. Barnes,

The regular business of the Senate was suspended, for the purpose of considering the House bill,

To increase the salaries of chancellors and circuit judges ;

Which was read twice, under a suspension of the constitutional rule, and referred to the Committee on Finance and Taxation.

On motion by Mr. Lindsay,

The Senate resolved itself into a Committee of the whole Senate for the purpose of considering the bill,

To regulate judicial proceedings.

After having spent some time in considering the same, the Committee rose, and through its chairman, Mr. Garrett, re-

ported favorably to the bill, with the following amendments :

Strike out sections one and two, and insert two other sections as substitutes for the same.

Amend section 7 by adding the following words "nor to any contract made subsequent to the first of May, 1855, nor to any suit founded thereon."

The amendments were adopted.

Mr. Garrett moved to amend section 6 by striking out "quarterly," where it occurs, and inserting "semi-annually;"

Which was lost Yeas 5 ; nays 25.

YEAS—Messrs. Foster, Garrett, Norwood, Sykes and Woodliff—5.

NAYS—Messrs. President, Ashley, Barnes, Bell, Boykin, Castens, Cooper, Deason, Drake, Edwards, Felder, Forney, Gage, Jackson of Lauderdale, Jackson of Morgan, Jones, Kilpatrick, Lindsay, Mitchell, Montgomery, Powell of Macon, Powell of Tuscaloosa, Stansel, Winston, and Wood—25.

Mr. Sykes moved to amend section 6, as follows : Strike out the word "or" in the 5th line, and insert the words "and the second term shall be the"—

Which was lost. Yeas 9, nays 20.

YEAS—Messrs. Drake, Foster, Garrett, Jackson of Morgan, Montgomery, Norwood, Powell of Macon, Sykes, and Woodliff—9.

NAYS—Messrs. President, Ashley, Barnes, Bell, Boykin, Castens, Cooper, Deason, Felder, Forney, Gage, Jackson of Lauderdale, Jones, Kilpatrick, Lindsay, Mitchell, Powell of Tuscaloosa, Stansel, Winston, and Wood—20.

Mr. Powell, of Tuscaloosa, moved to amend by way of substitute.

On motion of Mr. Jackson, of Lauderdale, the substitute was laid on the table.

Mr. Stansel moved to amend section 8 by adding the following proviso :

*Provided*, That this act shall not so operate as to repeal or destroy any lien of any judgment, decree, or execution now in existence, or the lien of any judgment or decree that may be substituted under the laws of this State, authorizing the substitution of lost or burnt records ;

Which was lost.

Mr. Powell, of Tuscaloosa, moved that the Senate adjourn until ten o'clock to-morrow morning,

Which was adopted.

Mr. Felder moved to amend by way of substitute,

Which, on motion of Mr. Jackson, of Lauderdale, was laid on the table. Yeas 17, nays 13.

YEAS—Messrs. Barnes, Boykin, Castens, Cooper, Deason, Drake, Forney, Gage, Jackson of Lauderdale, Jackson of Morgan, Jones, Lindsay, Norwood, Stansel, Sykes, Winston, and Woodliff—17.

NAYS—Messrs. President, Ashley, Bell, Edwards, Felder, Foster, Garrett, Kilpatrick, Mitchell, Montgomery, Powell of Macon, Powell of Tuscaloosa, and Wood—13.

Mr. Felder moved that the Senate adjourn until to-morrow morning, 10 o'clock, which was lost. Yeas 14, nays 16.

YEAS—Messrs. Ashley, Bell, Edwards, Felder, Foster, Garrett, Jones, Kilpatrick, Montgomery, Norwood, Powell of Macon, Powell of Tuscaloosa, Winston, and Wood—14.

NAYS—Messrs. President, Ashley, Barnes, Boykin, Castens, Cooper, Deason, Drake, Forney, Gage, Jackson of Lauderdale, Jackson of Morgan, Lindsay, Mitchell, Stansel, Sykes, and Woodliff—16.

The substitute reported by the committee of the whole as amended by the Senate was adopted.

Yeas, 18 ; nays, 11.

YEAS—Messrs. Barnes, Boykin, Castens, Cooper, Drake, Forney, Foster, Gage, Jackson of Lauderdale, Jackson of Morgan, Jones, Lindsay, Mitchell, Powell of Macon, Stansel, Sykes, Winston, and Woodliff—18.

NAYS—Messrs. President, Ashley, Bell, Deason, Edwards, Felder, Garrett, Kilpatrick, Montgomery, Powell of Tuscaloosa, and Wood—11.

The bill was read a third time, under a suspension of the constitutional rule, and passed.

Yeas, 21 ; nays, 9.

YEAS—Messrs. Barnes, Boykin, Castens, Cooper, Deason, Drake, Forney, Foster, Gage, Garrett, Jackson of Lauderdale, Jackson of Morgan, Jones, Lindsay, Mitchell, Norwood, Powell of Macon, Stansel, Sykes, Winston, and Woodliff—21.

NAYS—Messrs. President, Ashley, Bell, Edwards, Felder, Kilpatrick, Montgomery, Powell of Tuscaloosa, and Wood—9.

On motion by Mr. Powell, of Macon, the Senate adjourned until to-morrow morning, 10 o'clock.

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WEDNESDAY, February 7.

The Senate met pursuant to adjournment.

Upon the call of the districts, the following bills were introduced :

Mr. Gage, a bill to legalize the issue of change bills, put in circulation as money by the mayor, aldermen and common council of the city of Mobile ;

The President, (Mr. Jones in the chair,) a bill to restrict taxation in the town of Greenville ;

Mr. Winston, a bill to authorize the commissioners' court of the county of Marshal to issue treasury notes for the purpose of building a court house and jail ;

Mr. Barnes, a bill to punish the crime of abducting free persons of color ;

Which were severally read three times, under a suspension of the constitutional rule, and passed.

Mr. Kilpatrick, a bill to extend the jurisdiction of the Courts of Chancery in the settlement of insolvent estates ;

Mr. Foster, a bill to provide for building bridges and repairing the public roads in the county of Choctaw ;

Which were severally read twice, under a suspension of the constitutional rule, and referred to the Judiciary Committee.

Mr. Kilpatrick, a bill to declare Centre Bogue Creek, in Washington county, from its mouth on the Tombigbee river to Joseph Loper's plantation, a public highway ;

Which was read twice, under a suspension of the constitutional rule, and referred to the committee on Internal Improvements.

Mr. Kilpatrick, a bill to incorporate the Labor Regulating Association of Clarke county.

Mr. Barnes, a bill to incorporate the Tallapoosa Water Power company ;

Which were severally read twice, under a suspension of the constitutional rule, and referred to the committee on Corporations.

Mr. Felder, from the Judiciary committee, reported favorably to the bill, to confer power on the City Council of Montgomery, for safe-keeping and punishment of offenders.

Mr. Forney, from the committee on Corporations, reported favorably to the bill, to incorporate the Tallasseehatchee Lead Mining company, of Calhoun county.

Also, from the Judiciary committee, favorably to the bill, for the relief of Daniel A. Long of Talladega county.

Mr. Felder, from same committee, reported favorably to the bill, to amend the charter of the city of Montgomery, to extend certain bonds due by the city for building the State House.

Mr. Kilpatrick, also, favorably to the bill for the relief of Madison B. Camp and Eliza J. Hatfield, of Calhoun county.

Mr. Sykes, from the committee on Banks and Banking, reported favorably to the bill to authorize the county of Macon to issue Treasury Notes for certain county purposes.

Mr. Felder, also, from the Judiciary committee, reported favorably to the bill to make Eliza Webb, wife of Conrad Webb, residing in the city of Montgomery, a free dealer.

Mr. Stunsel, from the committee on Corporations, reported favorably to the bill to change the location and place of business of the Woodville Insurance company.

Mr. Winston, from the Judiciary committee, reported favorably to the bill to repeal an act therein named.

All of which were severally read the third time, under a suspension of the constitutional rule, and passed.

Mr. Cooper, from Committee on Finance and Taxation, reported favorably to the House bill,

To increase the salaries of chancellors and circuit judges.

Mr. Sykes moved to amend, by striking out the word "three thousand," and insert "twenty-five hundred."

Mr. Barnes moved to lay the amendment on the table, which carried,

And the bill was read a third time, under a suspension of the constitutional rule, and passed.

Mr. Garrett, from the Committee on State Printing, reported a substitute for the bill,

To repeal an act to reduce the amount of public printing to be done for the State, approved Dec. 14, 1864, and to regulate the pay of the public printer with the following title :

To fix the amount of public printing to be done for the State and the compensation for the same ;

Which was adopted, and the further consideration of the bill was postponed, and made the special order for to-morrow, 12 o'clock.

Message from the House, by Mr. Fowler :

*Mr. President :*

The House concurs in the amendment of the Senate to the House bill,

To compensate John W. Skipper for feeding prisoners.

The House passed the following Senate bills :

To reduce the salary of the warden of the penitentiary ;

To incorporate the Alabama and Georgia Manufacturing Company ;

To declare Eliza Garrison, of Montgomery county, a free dealer ;

To provide adequate compensation for the clerk of the Supreme Court.

The House has originated and passed the following bills :

To regulate contests of elections in certain cases ;

To establish revenue laws of the State of Alabama.

Mr. Edwards, from the committee on county boundaries, reported favorably to the bill,

To establish a new county, to be called the county of Crenshaw.

Mr. Felder moved to strike out all that part of the bill which includes a portion of the county of Montgomery in the limits of the new county, pending the consideration of which,

On motion of Mr. Felder the further consideration of the bill was postponed until to-morrow 11 o'clock, and made the special order for that hour.

The hour of 12 o'clock having arrived, the consideration of all the special orders was suspended, in order to allow committees to report, and the introduction of resolutions.

Mr. Edwards, from the Committee on County Boundaries, reported favorably to the House bill

To organize a new county out of portions of Coosa, Autauga, Tallapoosa and Montgomery counties, with the following amendment :

Strike out sections 3, 5, 6 and 7, and insert sections 3, 5 and 6, as substitutes for the same.

Also, amend section 4 by adding a proviso to the same ;

Which amendments were adopted.

Mr. Garrett moved to strike out section 2 ;

Which carried.

Mr. Barnes moved to strike out "Wetumpka," wherever it occurs in the bill, and insert "Elmore" ;

Which carried.

The constitutional rule was suspended, and the bill read a third time and passed.

Ayeas 28 ; nays 1.

YEAS—Messrs. President, Ashley, Barnes, Bell, Boykin, Cooper, Deason, Drake, Edwards, Felder, Forney, Foster, Gage, Garrett, Jackson of Lauderdale, Jackson of Morgan, Jones, Kilpatrick, Lindsay, Mitchell, Montgomery, Norwood, Powell of Macon, Powell of Tuscaloosa, Stansel, Sykes, Winston, Wood and Woodliff—28.

NAYS—Mr. Castens—1.

On motion by Mr. Garrett, the House bill

To establish Revenue laws of the State of Alabama, was taken from the House messages,

And the bill was read twice, under a suspension of the constitutional rule, and referred to the Committee on Finance and Taxation.

Mr. Garrett offered the following preamble and resolution :

Whereas, there is reason to apprehend that unfriendly representations at Washington, and in the Northern States of the Union, of the disposition of the people of Alabama towards the government at Washington, which will operate injuriously upon the social condition of our people, and postpone a restoration of the State in consequence of a misapprehension upon the part of the Federal authorities of the disposition of the people for the full and complete establishment of order, therefore,

*Resolved*, (the House concurring.) That a committee of five be appointed by the presiding officers of each House to inquire, so far as may be, into the disposition of the people of the different counties, in the matters referred to, and report the result of their investigations by resolution or otherwise.

The preamble and resolution were adopted.

Mr. President appointed Messrs. Garrett, Barnes, Cooper, Felder, and Sykes, the committee on the part of the Senate.

Mr. Garrett presented an account of Messrs. W. B. & A. R. Bell, against the State ;

Which was referred to the committee on Accounts and Claims.

Mr. Deason, offered the following resolution :

*Resolved*, (The House of Representatives concurring.) That the two Houses of the General Assembly adjourn *sine die*, on Thursday the 15th inst., at 1 o'clock, p. m.

On motion by Mr. Lindsay, the resolution was referred to the committee on Finance and Taxation.

Mr. Powell, of Tuscaloosa, from the committee on Enrolled Bills, reported the following as correctly enrolled :

To provide for the erection and purchase of School Houses, and the purchase of Libraries and the Apparatus for the public schools in the county of Mobile ;

To incorporate the Alabama and Georgia Manufacturing company ;

To incorporate the Chattahoochee Manufacturing company.

The Senate proceeded to consider the House messages :

The Senate concurred in the House amendment to the Senate bill, to amend section 3107 of the Code, so as to make the penalty discretionary with the jury ;



The House bills, relating to the lost and burnt records of Limestone county;

To legalize the marriages that took place within the Federal lines during the occupation of the State by the enemy, between the 11th April, 1862, and the 1st of July, 1865;

To repeal an act to repeal certain acts regulating Judicial proceedings, and for other purposes;

To amend section 2313 of the Code;

To protect the people of Walker county against frauds;

To form an additional district in the Southern Chancery Division;

To regulate the time of holding the Chancery Court in the first District of the Southern Chancery Division of this State, and for other purposes therein named;

To allow Judges of Probate to license crippled and disabled soldiers to peddle without license;

To ratify the issuance of change bills, under certain circumstances, in Greene and Sumter counties;

Which were severally read twice, under a suspension of the constitutional rule, and referred to the Judiciary Committee.

The House joint resolutions,

Praying for the release of Jefferson Davis and others,

Were read twice, and referred to the Committee on Federal Relations.

The House bills,

To incorporate the Alabama Mining, Manufacturing and Improvement Company;

To incorporate the Ivey Creek Academy, in the county of Autauga;

Were severally read twice, under a suspension of the constitutional rule, and referred to the Committee on Corporations.

The House bill,

For the relief of Levi Hinds, tax assessor for Madison county,

Was read twice, under a suspension of the constitutional rule, and referred to the Committee on Finance and Taxation.

The House bill,

To amend an act to regulate the toll of grist mills in this State,

Was read twice, under a suspension of the constitutional rule, and referred to the Committee on Propositions and Grievances.

The House bill,

To amend certain sections of the charter and amended charter of the "Alabama and Tennessee River Railroad Company," and to enlarge the powers of said company,

Was read twice, under a suspension of the constitutional rule.

Mr. Woodliff moved to amend section 6 by way of substitute.

The bill and amendment were referred to the Committee on Internal Improvements.

The House bill,

For the regulation of the chartered banks of this State,

Was read twice, under a suspension of the constitutional rule.

Mr. Powell, of Macon, moved to amend section 1 by proviso, as follows :

*Provided*, The provisions of this section shall apply to all insurance companies in this State, which are invested with banking privileges by their charters.

The bill and amendment were referred to the Committee on Banks and Banking.

The House bills,

To authorize the commissioners' court of Morgan county to divide said county into four commissioners' districts ;

For the relief of the sheriff of Montgomery county ;

To regulate contests of elections in certain cases ;

For the relief of County Superintendents of Education ;

Were severally read three times, under a suspension of the constitutional rule, and passed.

Mr. Powell, of Tusculoosa, moved that four additional members be added to the Committee on Enrolled Bills, which carried.

The President appointed Messrs. Forney, Powell of Macon, Deason and Edwards upon the committee.

On motion, by Mr. Barnes,

The Senate adjourned till to-morrow morning at 10 o'clock

THURSDAY, February 8.

The Senate met pursuant to adjournment.

A message from the House by Mr. Clanton :

*Mr. President,*

The House of Representatives has adopted the following resolution :

*Resolved*, (the Senate concurring,) That the two Houses the General Assembly adjourn *sine die*, the 15th inst.

The House has originated and passed the following bills :

To furnish certain volumes of the Supreme Court Reports for Coffee county ;

For the relief of Ann C. Stibling, of Washington county, and to legalize her marriage with Powell B. Johnson ;

For the protection of cattle owners of Coffee county ;

To authorize the Judge of the City Court of Selma to appoint a Solicitor for the City Court of Selma ;

To amend the 3d section of an act to incorporate the Union Express Company ;

For the relief of Margaret A. Hopkins, of Fayette county ;

To suspend the operation of sections 2 and 7 of an act therein named ;

To incorporate the Larkinsville Academy, in Jackson county ;

To make Mary A. King a free dealer ;

To equalize certain salaries ;

To revise the charter of North Alabama College ;

To authorize the City Council of Demopolis to levy special tax for the purpose of building a city jail ;

To regulate the fees of justices of the peace and constables of Demopolis Beat, in Marengo county, and for other purposes ;

To repeal an act to prevent the sale of spirituous liquors, within three miles of Triana, in Madison county ;

To regulate the fees of all county and district officers, in the counties of Walker and Winston ;

For the relief of Daniel L. Logan and Martha Musgroves ;

To authorize the commissioners of revenue of Mobile county to make equitable settlements in certain cases ;

To authorize the commissioners of revenue of Mobile county to issue bonds, for certain purposes ;

For the relief of David R. Fletcher and Sarah M. Harless, of Marshal county, and Thomas B. McKissock and R. Teal, of Russell county ;

Joint resolutions authorizing Alabama to accept a grant of public lands ;

To authorize the Alabama Life Insurance and Trust Company, and other chartered fire Insurance companies of Mobile, to go into liquidation ;

To legalize the election of commissioners of roads for the county of Mobile, held the first Monday in November, 1865 ;

Directing the delivery to the Western Railroad Company of a certain bond given by the Alabama and Mississippi Rivers Railroad Company, for a part of the two per cent. fund ;

To authorize James Sullivan to peddle in the counties of Washington and Mobile without license ;

For the relief of Mrs. Elizabeth Allen, of Montgomery county ;

To declare Margaret Carr, of Pike county, a free dealer ;

To provide for the publication of legal notices for the county of Washington ;

To provide for the working of the roads and building bridges in Washington county ;

To prohibit the sale of spirituous liquors within three miles of St. Andrew's Church, in Washington county ;

For the relief of Enoch Downing, of Montgomery county ;

Authorizing the transfer of the estate of Andrew Keiser, deceased, from Walker county to Lawrence county.

The House concurs in the Senate amendment to the House bill,

To authorize Horace King to make a turnpike road in the town of Girard in Russell county ;

And has amended, by substitute, and passed, the Senate bill,

To provide for the payment of the interest on the State bonds, and to provide for the issue of State bonds to aid such payment.

Upon the call of the districts, the following bills were introduced :

Mr. Lindsay, a bill to incorporate the Alabama Revenue Prize Company ;

Which was read twice, under a suspension of the constitutional rule, and referred to the Committee on Corporations.

Also, a bill to provide for notices in legal and other proceedings ;

Which was read twice, under a suspension of the constitutional rule, and referred to the Committee on the Judiciary.

Mr. Forney, from the Judiciary Committee, reported favorably to the bill,

To define the relative duties of master and apprentice, with the following amendment : Strike out the words "before the probate court," in section 5 ; and, also, strike out all after the word "dollars," in the thirteenth line of section 5.

The amendments were adopted, and the bill read a third time and passed.

Also, from the Committee on Corporations, favorably to the bill to incorporate the Mississippi and Alabama Oil and Mining Company.

Mr. Cooper, from the Judiciary Committee, reported favorably to the bill

For the relief of Elizabeth alias Eliza Pizzala ;

Mr. Stansel, from the same committee, reported favorably to the bill

To extend the jurisdiction of the courts of chancery in the settlement of insolvent estates ;

Which were severally read a third time, under a suspension of the constitutional rule, and passed.

Mr. Kilpatrick, from the same committee, reported favorably to the bill

To regulate the office of Attorney General, with the following amendment :

Strike out the word "three," in section 3, and insert the word "two,"

Which was adopted, and the bill read a third time, under suspension of the constitutional rule, and passed.

Mr. Cooper, from the Judiciary Committee, reported adversely to the bill

To provide for building bridges and roads in the county of Choctaw.

Mr. Kilpatrick, from the same committee, reported adversely to the bill

To amend section 1683 of the Code.

The reports were concurred in.

Mr. Lindsay, from the Committee on Corporations, reported favorably to the bill to incorporate the Selma and Montgomery Navigation Company.

Mr. Powell, of Tuscaloosa, moved to amend by proviso, as follows :

*Provided*, That said corporators shall be required, as soon as the said company shall organize and commence operations, to keep at all times on the Alabama river a daily line of comfortable and convenient passenger steamboats, running between the cities of Montgomery and Selma ;

Which was adopted.

Mr. Gage moved to amend as follows :

*Provided*, That the stockholders in said corporation shall be liable for all debts contracted by said corporation ;

Which was laid on the table, and the bill was read a third time, under a suspension of the constitutional rule, and passed.

On motion by Mr. Forney, the vote passing the bill to repeal an act therein named, was reconsidered ;

The question recurring on the passage of the bill, it was passed.

Mr. Drake, from the committee on the Penitentiary, to which was referred so much of the Governor's message as relates to

the Penitentiary, reported a bill, to authorize the Governor to lease the Penitentiary ;

Which was read twice, under a suspension of the constitutional rule, and its further consideration postponed and made the special order for Saturday next.

Mr. Ashley, from the committee on Finance and Taxation, reported adversely to the House bill, for the relief of James Berry, of the town of Dadeville, Tallapoosa county ;

Which was concurred in.

Mr. Forney, from the Judiciary committee, reported adversely to the House bill, to re-establish the lines of Ackersville Beat, in Wilcox county ;

Which was concurred in.

Mr. Barnes, from the Judiciary committee, reported a substitute for the bill, for the relief of Worley White, of Madison county, with the following title :

To release the right of the State to escheat the estate of Harriet White, deceased, of the county of Madison, in favor of Worley White ;

The substitute was adopted, and the bill read a third time, under a suspension of the constitutional rule, and passed.

The Senate proceeded to consider the special orders :

The House bill, to extend the indebtedness of the Montgomery and Enola Railroad company, was recommitted to the Judiciary committee ;

The question pending, being on the amendment proposed by Mr. Powell, of Tuscaloosa.

The next special order being the bill, to establish a new county to be called the county of Crenshaw ;

The question pending, being on Mr. Felder's amendment to strike out all that part of the lines which embraces Township 18, Range 12, in Montgomery county ;

The Senate refused to strike out. Yeas 11, Nays 11.

YEAS—Messrs. Drake, Felder, Garrett, Jones, Kilpatrick, Mitchell, Montgomery, Moren, Norwood, Powell of Tuscaloosa, and Winston—11.

NAYS—Messrs. President, Ashley, Bell, Boykin, Deason, Edwards, Forney, Foster, Jackson of Lauderdale, Powell of Macon, and Woodliff—11.

Mr. Felder, moved to strike out Township 18, Range 12, and insert Township 18, Range 16 ;

Which was lost. Yeas 9, Nays 15.

YEAS—Messrs. Drake, Garrett, Jones, Mitchell, Moren, Norwood, Sykes and Winston.—9.

NAYS—Messrs. President, Ashley, Barnes, Bell, Boykin, Coop-

er, Deason, Forney, Foster, Jackson, of Lauderdale, Kilpatrick, Powell, of Macon, Powell, of Tuscaloosa, and Woodliff.—15.

Mr. Garrett moved to amend, by striking out all that portion which embraces the county of Coffee in the lines of the new county, which was lost.

The bill was read a third time under a suspension of the constitutional rule, and passed.

Yeas, 18; nays, 4.

YEAS—Messrs. President, Ashley, Bell, Boykin, Cooper, Deason, Edwards, Forney, Foster, Kilpatrick, Lindsay, Montgomery, Moren, Powell of Macon, Powell of Tuscaloosa, Stansel, Winston and Woodliff.—18.

NAYS—Messrs. Felder, Jones, Mitchell and Norwood.—4.

The next special order being the bill

To incorporate companies in this State, and save expenses to the State;

On motion by Mr. Lindsay, the bill was laid on the table.

The next special order being the bill

To fix the amount of printing to be done for the State, and the compensation for the same.

Mr. Garrett moved to amend sec. 2, by adding the following:

“For press work on bills by either House of the General Assembly, including paper, folding and stitching, at the following rates, and no more, namely: For thirty-five copies or less, three dollars per page; for one hundred copies, four dollars and a half per page; for one hundred and fifty copies, five and a half dollars per page.

Also, amend by additional sec. as sec. 3, and make sec. 3 of the bill section 4.

The amendments were adopted, and the bill read the third time under a suspension of the constitutional rule, and passed.

On motion by Mr. Garrett, the Senate bill as amended by the House,

To provide for the payment of the interest on State bonds, and to provide for the issue of State bonds to aid such payment,

Was referred to the committee on finance and taxation.

Message from the Governor, by his private secretary Mr. Dixon.

*Mr. President:*

His Excellency, the Governor, has approved the following bills, which originated in the Senate:

To incorporate the Chattahoochee Manufacturing Company;

To incorporate the Alabama and Georgia Manufacturing Company ;

To punish trespasses on the school lands, in Mobile county.

The Senate then adjourned until ten o'clock to-morrow morning.

FRIDAY, February 9.

The Senate met pursuant to adjournment.

Upon the call of the districts, the following bills were introduced :

Mr. Powell, of Macon, a bill—

To increase the fees of magistrates and constables ;

Which was read twice, under a suspension of the constitutional rule, and referred to the Committee on the Judiciary.

Mr. Forney, a bill—

To form a new county, to be called, Cleburne, from portion of Cahoun and Randolph counties ;

Mr. Montgomery, a bill—

To form a new county, to be called the county of Hillabee, from portions of Talladega and Randolph ;

Which were read twice, under a suspension of the constitutional rule, and referred to the Committee on County Boundaries.

Mr. Garrett presented accounts of Wm. S. Barton and John Callahan ;

Which were referred to the Committee on Accounts and Claims.

Mr. Cooper moved to reconsider the vote concurring in the adverse report of the committee to the Bill—

To provide for building Bridges and repairing the public Roads in the county of Choctaw, which carried, and the question recurring on concurring in the report of the Committee,

It was concurred in.

The House resolution—

That the General Assembly adjourn on Thursday, the 15th inst., was,

On motion, by Mr. Garrett,

Laid on the table.

The Senate proceeded to consider the messages from the House.

The House bills—

To authorize the commissioners of revenue of Mobile county to issue bonds, for certain purposes ;



Authorizing the transfer of the estate of Andrew Kaeiser, deceased, from Walker to Lawrence county ;

To declare Margaret Carr, of Pike county, a free dealer ;

To prohibit the sale of spirituous liquors, within three miles of St. Andrews Chapel, in Washington county ;

To provide for working the roads, and building bridges, in Washington county ;

To provide for the publication of legal notices for the county of Washington ;

To legalize the election of commissioners of roads for the county of Mobile, held the 1st Monday in November, 1865 ;

To repeal an act to prevent the sale of spirituous liquors within three miles of the town of Triana, in Madison county ;

To regulate the fees of all county officers in the counties of Walker and Winston ;

To authorize the city council of Demopolis, to levy a special tax for the purpose of building a city jail ;

To regulate the fees of justices of the peace and constables of Demopolis beat, in Marengo county, and for other purposes ;

To revive the charter of the North Alabama College ;

To constitute Mary A. King a free dealer ;

For the relief of Margaret A. Hopkins, of Fayette county ;

For the protection of cattle owners of Coffee county ;

Were severally read three times, under a suspension of the constitutional rule, and passed.

The House bill—

To suspend the operations of sections 2 and 7, of an act therein named ;

Was read twice, under a suspension of the constitutional rule, and referred to the Committee on County Boundaries.

The House bills—

To amend the 3d section of an act to incorporate the Union Express Company ;

To incorporate the Larkinsville Academy, in Jackson county ;

Were read twice, under a suspension of the constitutional rule, and referred to the Committee on Corporations.

The House bill—

Directing the delivery to the Western Railroad Company of a certain bond given by the Alabama and Mississippi Rivers Railroad Company, for a part of the 2 per cent. fund ;

Was read twice, under a suspension of the constitutional rule, and referred to the Committee on Internal Improvements.

The House bills—

To authorize the commissioners of revenue of Mobile county to make equitable settlement in certain cases ;

To authorize the Alabama Life Insurance and Trust Company, and other chartered fire insurance companies of Mobile, to go into liquidation ;

Were severally read twice, under a suspension of the constitutional rule, and referred to the Committee on Banks and Banking.

The House bills—

For the relief of Ann C. Stribling, of the county of Washington, and to legalize her marriage with Powell B. Johnston ;

To authorize the judge of the city court of Selma to appoint a solicitor for the city court of Selma ;

For the relief of Daniel L. Logan and Martha Musgroves ;

For the relief David R. Fletcher and Sarah M. Harless, of Marshall county, and Thomas B. McKissack and R. Teal, of Russell county ;

For the relief of Enoch Downing, of Montgomery ;

Were severally read twice, under a suspension of the constitutional rule, and referred to the Committee on the Judiciary.

The House bills—

To equalize certain salaries ;

To furnish certain volumes of the Supreme Court Reports for Coffee county ;

To authorize James A. Sullivan to peddle in the counties of Washington and Mobile without a license ;

Preamble and joint resolutions authorizing Alabama to accept a grant of public lands ;

Were severally read twice, under a suspension of the constitutional rule, and referred to the Committee on Finance and Taxation.

The House bill—

For the relief of Mrs. Elizabeth Allen, of Montgomery county ;

Was read twice, under a suspension of the constitutional rule, and ordered to a third reading.

Mr. Lindsay, from the Committee on Corporations, reported favorably to the bill—

To incorporate the Ivey Creek Academy, in Autauga county.

Mr. Powell, of Tuscaloosa, from the Committee on Internal Improvements, reported favorably to the bill—

To declare Centre Bogue Creek, in Washington county, from its mouth to Donaldson's Bridge, a public highway.

Also, from the Judiciary Committee, favorably the House bill—

To legalize marriages that took place within the Federal lines during the occupation of the State by the enemy, be-

tween the 11th day of April, 1862, and the 1st day of July, 1865 ;

Mr. Kilpatrick, from same committee, reported favorably to the House bill—

To amend section 2313, of the Code ;

Mr. Cooper, from same committee, reported favorably to the House bill—

To regulate the time of holding the Chancery Court in the 1st district of the Southern Chancery Division, and for other purposes ;

All of which were severally read a third time, under a suspension of the constitutional rule, and passed.

Mr. Garrett, from the Committee on Finance and Taxation, to which was referred the Senate bill as amended by substitute in the House—

To provide for the payment of the interest on State bonds and to provide for the issue of State bonds to aid such payment, reported favorably to a concurrence in the same.

The amendment of the House was concurred in.

Mr. Forney, from the Judiciary Committee, reported adversely to the House bill—

To protect the people of Walker county against fraud.

Also, adversely to the bill—

To incorporate the Labor Regulating Association of Clallam county.

The reports were concurred in.

Mr. Cooper, from the Judiciary Committee, reported favorably to the House bill—

Authorizing the commissioners court of Madison county to establish gates on the public roads of said county, with an amendment ;

Which the Senate refused to adopt.

Mr. Drake moved to strike out all in the bill after the words " county ;"

Which was adopted,

And the bill read a third time, under a suspension of the constitutional rule, and passed.

Mr. Felder, from the Judiciary Committee, reported favorably to the bill—

To repeal section 872, to 895 inclusive, of the Code.

On motion, by Mr. Gage,

The bill was recommitted to the same committee.

Mr. Stansel, from the Committee on Corporations, reported favorably to the bill—

To incorporate the Southern Press Association ;

With the following amendment :

Strike out all of section 12, except the last two lines ;

Which was adopted,

And the bill read a third time, under a suspension of the constitution rule, and passed.

Mr. Stansel, from the Judiciary Committee, reported adversely to the bill—

To authorize executors, administrators, guardians and trustees to compromise.

The report was laid on the table.

The question being on the adoption of the substitute offered by Mr. Powell, of Tuscaloosa,

Mr. Lindsay moved to strike out all after the word “settlement” to the word “provided,” in the 2d section.

Mr. Barnes moved to lay the amendment on the table ;

Which was lost,

And the amendment was adopted.

The substitute, as amended, was adopted,

And the bill read a third time, under a suspension of the constitutional rule, and passed.

Message from the House by Mr. Fowler :

*Mr. President :*

The House of Representatives has adopted the following resolution :

*Resolved*, (the Senate concurring,) That the code of criminal laws prepared by the commissioners appointed by the Governor, be referred to a joint committee of the two Houses, the committee of the House to consist of five, and of the Senate of three members, with leave to sit during the session of the General Assembly.

Messrs. Worthy, Waller, Smith of Choctaw, Cox and Be-thea, compose the House committee.

The House concurs in the Senate resolution to appoint a joint committee of five on the part of each House to inquire into the disposition of the people of the State for the full and complete establishment of order.

Messrs. Cox, Morse, Goodwin, Reese and Gibson, are the committee on the part of the House.

The House has passed the Senate bill in relation to the toll at Wetumpka bridge.

The House has originated and passed a bill to authorize the

commissioners' courts of Pickens and Coffee counties to levy a special tax for purposes therein named.

Mr. Edwards, from the Committee on Internal Improvements, to which was referred a bill

To alter and amend an act to loan and appropriate the three per cent. fund and its interest, approved February 18, 1860, and other acts relating thereto, read the following

#### REPORT :

That they had examined the law and acts in relation thereto, and have made such investigation of the facts as warrants them in making the following report :

An act entitled an act to loan and appropriate the three per cent. fund, and its interest, approved February 18, 1860, declares the amount then due from the State to said fund to be—

	\$858,498 00
Deduct an amount appropriated to the Tenn. & Coosa R. R. Co. ....	195,363 00
Leaving the amount then due by the State. ....	\$663,135 00

Which was loaned to the following Railroad companies :

To the North East and South West Ala. R. R. Co. .	\$218,000 00
To the Wills Valley Rail Road Company. ....	75,000 00
To the Ala. & Tenn. R. R. R. Company. ....	225,000 00
To the Selma & Gulf R. R. Company. ....	40,000 00
To the Cahaba, Marion & Greensboro R. R. Co. .	25,000 00
To the Opelika & Oxford R. R. Co. ....	50,000 00
To the Montgomery & Eufaula R. R. Co. ....	30,000 00
	\$663,000 00

This amount was loaned to these companies for the period of five years, upon giving bond and security, and a first mortgage covering their roads, franchise and appurtenances, conditioned for their faithful and prompt payment of said sums so loaned.

In section 5 of said act above-named, we find an appropriation of \$173,940 00 to the Tennessee and Alabama Central Railroad Company, upon conditions to be adjudged of by the Governor. Of this sum, \$134,154 00 has been paid as per re-

quirements of said act, and in section 8 a direct appropriation was made to the Tennessee & Alabama Central R. R. Company of—

	\$663,135 00
With its accumulating interest.....	\$244,249 48
Less the amount paid by the State	
under the 5th section.....	134,154 00—\$110,095 48
Making a total under the 8th section of.....	\$773,230 48

The payment of the above amount to the Mountain Railroad Constructing Company, a corporation legally substituted by the Legislature for the Tennessee and Alabama Central Railroad Company by an act approved 7th Feb., 1861, was made contingent upon finishing the grading of the road from Decatur to or near Montevallo, within five years from the 26th day of Jan., 1860. An act was approved Oct. 7, 1864, extending the time for the completion of the grading until five years after the termination of the war, between the Confederate States and the United States.

From the above, we make the following amount to appear as appropriated to the Tennessee and Alabama Central Railroad Company, as per section 8, of the act referred to, \$772,230 48. To pay which we find in the treasury the bonds of

the following R. R. companies, as designated in	
the 2d section of said act: the North-East and	
South-West Ala. R. R. Company's bonds.....	\$218,000 00
The Wills Valley R. R. Co's. bond.....	75,000 00
The Cahaba, Greensboro and Marion R. R. Com-	
pany's bond.....	25,000 00
The Opelika and Oxford R. R. Company's bond..	50,000 00
The Montgomery and Eufaula R. R. Co's bond..	30,000 00
The amount of interest in, except of the amount	
collected of the various Railroad Companies, as	
appears upon the Comptroller's books, paid by	
the State, is.....	46,893 70

To which add the amount.....	\$444,893 70
Collected by the State on the bonds of the Alaba-	
ma and Tennessee Rivers R. R. Co., and the Sel-	
ma and Gulf R. R. Co., and the interest thereon,	\$327,336 78

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772,230 48

Making the amount as above stated.

From the foregoing statement it will appear that, upon the

completion of the grading of the road from Decatur to the Alabama and Tennessee Rivers Railroad, the said Mountain Railroad Constructing Company are entitled to receive the bonds of the various Railroad Companies to whom the three per cent. funds were loaned under said act, approved 18th Feb., 1860; and it further appears that, by an act approved 7th Oct., 1864, the time for completing the grading of said railroad was extended for five years after the termination of the war between the Confederate States and the United States, but is silent as to the times of payment.

Now, therefore, in view of the importance of the work to the State at large, and the great energy displayed by the Mountain Railroad Constructing Company in prosecuting the same, and the results obtained, the Committee recommends the accompanying bill as a substitute for the original, and recommends its passage.

The committee report a substitute for the bill.

On motion by Mr. Powell, of Tuscaloosa, the consideration of the bill and amendment was postponed until Monday next.

The Senate concurred in the resolution of the House to appoint a joint committee of five on the part of the House, and three on the part of the Senate, to consider the penal code prepared by the commissioners appointed by the Governor.

Messrs. Cooper, Felder and Lindsey were appointed the committee on the part of the Senate.

Mr. Forney, from the Judiciary Committee, reported favorably to the House bill,

To extend the indebtedness of the Montgomery and Eufaula Railroad Company, together with the amendment offered by Mr Powell, of Tuscaloosa.

Mr. Cooper moved to amend further by way of substitute for the bill and amendment;

Pending the consideration of which, the further consideration of the bill was postponed until Monday next.

The Senate proceeded to consider the spécial order, it being the bill,

To incorporate the Mississippi Valley Company.

The question pending being on Mr. Barnes' motion, to strike out "five" before the word "millions" in section 2, and insert "two and a half," which was adopted.

Mr. Cooper moved to amend by inserting after the word "dollars" in same section, the following: "One million only of which may be invested in real estate and the remainder in manufacturies, and the other objects of this act"—

Which was adopted.

The constitutional rule was suspended and the bill read a third time and passed. Yeas 16, nays 15.

YEAS—Messrs. President, Barnes, Cooper, Felder, Forney, Foster, Gage, Huckabee, Jackson of Morgan, Jones, Kilpatrick, Mitchell, Moren, Norwood, Powell of Macon, Stansel, and Winston—16.

NAYS—Messrs. Ashley, Bell, Boykin, Deason, Drake, Edwards, Felder, Garrett, Jackson of Lauderdale, Lindsay, Montgomery, Powell of Tuscaloosa, Sykes, Wood, and Woodliff—15.

On motion by Mr. Garrett, the Senate adjourned until ten o'clock to-morrow morning.

SATURDAY, February 10.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. McTyeire.

Upon the call of the Districts, the following bills were introduced by—

Mr. Slaughter, a bill to amend an act to amend the charter of the Opelika & Talladega Railroad Company, approved November 9, 1861;

Mr. Woodliff, a bill to authorize Catherine Hughes, administratrix of the estate of Joseph Hughes, deceased, late of Cherokee county, to keep the estate of her said husband together, with power to sell the personal effects at public or private sale, and for other purposes;

Mr. Felder, a bill to legalize the issue of change bills by authority of the city council of Montgomery;

All of which were severally read three times, under a suspension of the constitutional rule, and passed.

Mr. Cooper, from the Judiciary Committee, reported adversely to the concurrence by the Senate in the substitute adopted by the House to Senate bill,

To punish malpractices by servants and employees of incorporated companies.

On motion by Mr. Powell, of Tuscaloosa,

The consideration of the bill and report were indefinitely postponed.

Mr. Jones, from the same committee, reported adversely to the House bill—

To form an additional district in the Southern Chancery Division;



Mr. Stansel, from the same committee, reported adversely to the bill,

To provide for notices for legal and other proceedings ;

The reports were concurred in.

Mr. Forney, from the Judiciary Committee, reported favorably to the House bill,

For the relief of Ann C. Stribling, of Washington county, and to legalize her marriage with Powell B. Johnston ;

Mr. Deason, from the Committee on Corporations, reported favorably to the bill,

To incorporate the Mobile Manufacturing Company ;

Mr. Kilpatrick, from the Judiciary Committee, reported favorably to the House bill,

To authorize the judge of the city court of Selma to appoint a solicitor for said court ;

Mr. Felder, from the same committee, reported favorably to the House bill, to repeal "an act to repeal certain acts, regulating Judicial Proceedings, and for other purposes ;

Mr. Powell of Tuscaloosa, from same committee, reported favorably to the House bills, for the relief of Daniel L. Logan and Martha Musgroves ; and to ratify the issuance of change bills under certain circumstances in Greene and Sumter counties ;

Mr. Sykes, from the committee on Banks and Banking, reported favorably to the House bill, to authorize the Alabama Life Insurance and Trust company, and other chartered Fire Insurance companies of Mobile, to go into litigation ;

Mr. Edwards, from the committee on County Boundaries, reported favorably to the House bill, to suspend the operation of section two and seven, of an act therein named ;

Mr. Felder, from the Judiciary committee, reported favorably to the House bill, for the relief of Enoch Downing, of Montgomery county ;

Mr. Winston, from the committee on Propositions and Grievances, reported favorably to the House bill, to amend an act to regulate the toll of Grist Mills in this State ;

Mr. Stansel, from the committee on Corporations, reported favorably to the House bill, to incorporate the Alabama Mining, Manufacturing and Improvement company ;

Mr. Moren, from the committee on Accounts and Claims, reported favorably to the bill, for the relief of Abner Killough, late Sheriff of Jefferson county ;

All of which was severally read a third time, under a suspension of the constitutional rule, and passed.

Mr. Woodliff, from the committee on Internal Improvements,

reported favorably to the bill and the amendment thereto, to amend certain sections of the charter of the Alabama and Tennessee Rivers Railroad company, and to enlarge the powers of said company ;

The amendment was adopted, and the bill was read a third time, under a suspension of the constitutional rule, and passed.

Mr. Moren, from the Committee on Accounts and Claims, to which was referred an account of W. B. & A. R. Bell & Co., reported a bill,

For the relief of W. B. & A. R. Bell & Co. ;

Which was read three times, under a suspension of the constitutional rule, and passed.

Mr. Jackson, of Morgan, from the Committee on Corporations, reported adversely to the bill,

To incorporate the Alabama Revenue Prize Company.

On motion by Mr. Lindsay, the report was laid on the table.

Mr. Barnes moved to amend by proviso as follows :

*Provided*, Said corporation shall not sell more than one-tenth of their tickets in this State, at any one drawing.

Mr. Stausel moved to amend the amendment by inserting after the word "State" the words "or any other christian country."

On motion of Mr. Felder, the consideration of the bill and amendment was postponed indefinitely.

Yeas 26, nays 5

YEAS—Messrs. President, Ashley, Boykin, Cooper, Deason, Drake, Edwards, Felder, Forney, Foster, Gage, Garrett, Jackson of Morgan, Jones, Kilpatrick, Mitchell, Montgomery, Moren, No wood, Powell of Macon, Powell of Tuscaloosa, Slaughter, Sykes, Winston, Wood, and Woodliff—26.

NAYS—Messrs. Barnes, Bell, Jackson of Lauderdale, Lindsay, and Stausel—5.

Mr. Winston, from the Judiciary Committee, to which was referred the petition of Thomas Lawrence, guardian, &c., reports a bill,

For the relief of Thomas Lawrence, guardian, &c. ;

Which was read three times, under a suspension of the constitutional rule, and passed.

Message from the House by Mr. Fowler :

*Mr. President :*

The House has passed Senate bills,

To establish the city court of Eufaula ;

To incorporate the Eufaula Gas Light Company.

Mr. Marnes, from the Judiciary Committee, reported favorably to the bill,

To encourage immigration and to protect immigrant labor.

The bill was ordered to a third reading.

The Senate proceeded to consider the general orders.

The House bill,

For the relief of Mrs. Elizabeth Allen, of Montgomery county,

Was read a third time, and passed.

The House bill, to authorize the Commissioners' Courts of Pickens and Coffee counties, to levy a special tax for purposes therein named.

Was read three times, under a suspension of the constitutional rule, and passed.

The Senate proceeded to consider the motion made by Mr. Lindsay, to reconsider the vote refusing to pass the bill in furtherance of justice, and to cure defects in process, returnable to any Court of this State in consequence of any military order, and in the levy and return of such process;

Mr. Barnes moved to postpone the consideration of the motion until Monday 12 o'clock;

Which was lost.

The question being taken on reconsidering, it was lost.

The Senate proceeded to consider the special order, it being the bill, to authorize the Governor to lease the Penitentiary;

On motion by Mr. Garrett, its further consideration was postponed until Monday next, 12 o'clock.

The Senate proceeded to consider the motion made by Mr. Winston, to reconsider the vote concurring in the adverse report of the Judiciary Committee to the bill, authorizing the Governor to make settlement with McClung, Jaques & Co., and all other agents acting under authority of the State.

The motion was put and carried.

The question recurring on concurring in the adverse report of the committee, it was put and lost. Yeas 11, Nays 13.

YEAS—Messrs. Bell, Cooper, Forney, Gage, Garrett, Mitchell, Montgomery, Moren, Powell of Tuscaloosa, Sykes, and Woodliff—11.

NAYS—Messrs. Barnes, Boykin, Deason, Felder, Huckabee, Jackson of Lauderdale, Jackson of Morgan, Kilpatrick, Lindsay, Norwood, Powell of Macon, Slaughter, and Winston—13.

Mr. Lindsay moved to amend, as follows:

*“Provided, That the authority herein granted to the Governor, shall only extend to a settlement for salt actually delivered to the State or its agents, by said parties, prior to the approval of this act.”*

Mr. Powell, of Tuscaloosa, moved to amend the amendment, by striking out the words, "the approval of this act," and insert the first day of May, 1865;

Which was lost ;

And the amendment was adopted.

Mr. Felder moved to strike out the words, "& Co.," and insert between the names of "McClung" and "Jaques" the word "and,"

Which was adopted.

Mr. Powell, of Tuscaloosa, moved to amend as follows :

Strike out all that part which authorizes the Governor to draw his warrant on the treasurer, and add the following : "and the Governor shall report his action to the next session of the General Assembly for its ratification or rejection."

Mr. Kilpatrick moved to lay the amendment on the table, pending the consideration of which motion

The Senate adjourned until Monday, 10 o'clock.

MONDAY, February 12.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Jordan.

Upon the call of the districts, the following bills were introduced :

Mr. Gage, a bill to repeal section 917 of the Code relative to pilotage, and all acts amendatory thereof, and to increase the pay of pilots in the bay and harbor of Mobile.

Mr. Mitchell, a bill to repeal an act to amend an act to authorize Seth Love and Wm. Welburn to erect a wharf on the Chattahoochee river, in the town of Irwinton, Barbour county, approved January 1, 1841.

Mr. Barnes, a bill to regulate the cost of revenue stamps in suits at law.

Mr. Forney, a bill to authorize the probate court of Calhoun county to grant an order to the executor of the estate of Peter Black, deceased, to sell at private sale uncurrent bank bills ;

Which were severally read three times, under a suspension of the constitutional rule, and passed.

Mr. Gage, a bill to incorporate the Alabama Petroleum Vapor Stoves and Gas Light Company ;

Also, a bill to incorporate the Society in Mobile, called the "Fidelia."

Mr. Garrett, a bill to incorporate Pleasant Grove Methodist

Episcopal Church, in the county of Coosa, and restrict the sale of ardent spirits within one-half mile of the same ;

Were severally read twice, under a suspension of the constitutional rule, and referred to the Committee on Corporations.

Mr. Wood, a bill to regulate the appointment of overseers and supervisors of public roads in the county of Henry ;

Which was read twice, under a suspension of the constitutional rule.

Mr. Foster moved to amend by inserting the county of "Choctaw;"

Which was adopted.

Mr. Mitchell moved to amend by inserting the county of "Barbour,"

Which was adopted ;

And the bill read a third time, under a suspension of the constitutional rule, and passed.

Mr. Cooper presented the petition of certain citizens of this State, praying the formation of a new county ;

Which was referred to the Committee on County Boundaries.

Mr. Huckabee, a bill for the relief of Henderson Shoaf ;

Which was read three times, under a suspension of the constitutional rule, and passed by a vote of,

Yeas, 30 ; nays, none.

YEAS—Messrs. President, Barnes, Bell, Boykin, Cooper, Deason, Drake, Edwards, Felder, Forney, Foster, Gage, Garrett, Huckabee, Jackson of Lauderdale, Jackson of Morgan, Jones, Kilpatrick, Lindsay, Mitchell, Montgomery, Moren, Norwood, Powell of Macon, Powell of Tuscaloosa, Stansel, Sykes, Winston, Wood, and Woodliff—30.

Mr. Barnes, a bill to amend section 2875, of the Code.

Mr. Drake, a bill to authorize the Chancery Courts to act in certain cases ;

Which were severally read twice, under a suspension of the constitutional rule, and referred to the Judiciary Committee.

Mr. Winston presented a joint memorial of the General Assembly of the State of Alabama, to the Congress of the United States ;

Which was read three times forthwith, and adopted.

Mr. Drake, a bill to amend section 1, of an act to prevent the destruction of fish in the Tennessee river, approved February 6th, 1841 ;

Was read twice, under a suspension of the constitutional rule, and referred to a select committee, composed of Senators from the districts lying upon the Tennessee river.

Message from the Governor by his private Secretary, Mr. Dixon :

*Mr. President :*

His Excellency the Governor has approved and signed the following bill, which originated in the Senate :

An act to repeal an act "to authorize the qualified voters of the city of Tuscaloosa to elect a city marshal," approved February 5th, 1840.

An act to authorize the commissioners' court of Jefferson county to issue county bonds for the purpose of purchasing corn and building a jail for said county ;

An act to incorporate the Governor's Guards ;

An act to alter and amend section 6 of an act to incorporate the town of Union Springs, in Macon county ;

An act authorizing the courts of county commissioners of this State to license and permit wounded and disabled soldiers in the late Confederate army, to peddle free of tax in their respective counties ;

To authorize the Court of Probate of Mobile county to take jurisdiction over the estate of John G. Aiken, deceased ;

To declare Eliza Garrison, of Montgomery county, a free dealer. ;

To provide adequate compensation to the Clerk of the Supreme Court ;

To amend section 3107 of the Code, so as to make the penalty discretionary with the jury ;

To repeal an act entitled "an act to increase the compensation of the members of the commissioner's court for Pike and other counties named," approved Oct. 7, 1864 ;

To reduce the salary of the warden of the penitentiary ;

To declare William M. Graves, a liner between the counties of Chambers and Tallapoosa, a citizen of Chambers county, and to change the county line between said counties.

Message from the House of Representatives, by Mr. Fowler.

*Mr. President :*

The House has concurred in the substitutes of the Senate for the House bills :

To repeal an act to suppress more effectually the distillation of grain ;

To prevent persons from interfering, so as to induce laborers or servants to abandon their contracts, or to employ such without the consent of their original employer, before the expiration of the contract, &c. ;

The House concurs in the Senate amendments to the House bills;

To incorporate the North Alabama Oil and Mining Company.

It has passed the following Senate bills :

To declare Caroline Moore a free dealer ;

And has rejected the Senate bills,

To prevent freedmen and other persons from owning fire-arms, and carrying concealed weapons ;

To incorporate the Alabama Immigration White Labor and Real Estate Agency Company ;

The House of Representatives has originated and passed the bills :

To prohibit the sale of vinous or spirituous liquors in or about the State capitol, or on or about the capitol grounds ;

To loan seventy thousand dollars to the University of Alabama.

The Committee on Enrolled Bills reported the following as correctly enrolled :

To repeal an act in relation to the toll at Wetumpka bridge ;

To incorporate the Eufaula Gas Light Company ;

To establish a medical board in the counties of Washington and Choctaw ;

To provide for the payment of the interest on State bonds, and to provide for the issue of State bonds to aid such payment.

The Senate proceeded to consider the bill pending at adjournment on Saturday, it being the bill

To authorize the Governor to make settlement with McClung, Jaques & Co., and all other agents acting under authority of the State.

The question pending being on the motion of Mr. Powell, of Tuscaloosa, to amend,

On motion by Mr. Garrett, the bill was recommitted to the Committee on Finance and Taxation.

Mr. Moren, from the Committee on Internal Improvements, reported favorably to the House bill

Directing the delivery to the Western Railroad Company of a certain bond given by the Alabama and Mississippi Rivers R. R. Company, for a part of the two per cent. fund, with an amendment by way of proviso ;

Which was adopted, and the bill read a third time, under a suspension of the constitutional rule, and passed.

Mr. Deason, from the Committee on County Boundaries, reported favorably to the House bill

To create and establish a new county out of portions of Calhoun, Cherokee, Marshall, Blount and St. Clair.

Mr. Winston moved to amend by additional section, as section 5 ;

Which was adopted, and the bill read a third time, under a suspension of the constitutional rule, and passed.

Yeas 27 ; nays 3.

YEAS—Messrs. President, Ashley, Barnes, Bell, Boykin, Cooper, Deason, Drake, Edwards, Felder, Forney, Foster, Gage, Huckabee, Jackson of Lauderdale, Jackson of Morgan, Jones, Kilpatrick, Lindsay, Mitchell, Montgomery, Moren, Powell of Macon, Powell of Tuscaloosa, Sykes and Woodliff—27.

NAYS—Messrs. Norwood, Stansel and Winston—3.

Mr. Moren from the committee on Accounts and Claims, to which was referred the account of John Callahan, reported a bill for the relief of John Callahan ;

Which was read three times, under a suspension of the constitutional rule, and passed.

Mr. Sykes, from the committee on Banks and Banking, reported favorably to the House bill for the regulation of the chartered Banks of Alabama, with the following amendments ;

Strike out "1868," where it occurs, and insert "1867" ; amend by additional section three ;

Also, adversely to the amendment proposed to the bill by Mr. Powell, of Macon ;

Which was referred to the committee.

On motion by Mr. Lindsay, the bill was recommitted to the Judiciary Committee. Yeas 16, Nays 12.

YEAS—Messrs. Ashley, Bell, Boykin, Deason, Edwards, Felder, Forney, Jackson of Lauderdale, Kilpatrick, Lindsay, Montgomery, Moren, Norwood, Stansel, Winston and Wood—16.

NAYS—Messrs. President, Cooper, Drake, Gage, Garrett, Huckabee, Jackson of Morgan, Jones, Mitchell, Powell of Macon, Powell of Tuscaloosa, Sykes—12.

Mr. Kilpatrick from the committee on Military Affairs, reported favorably to the House bill, to continue the collection of the records of Alabama soldiers in the late war ;

Which was read a third time, under a suspension of the constitutional rule and passed.

Mr. Stansel, from the Judiciary Committee, reported adversely to the House bill relating to the burnt and destroyed records and papers of Lithestone county.

Mr. Edwards from the committee on County Boundaries, reported adversely to the bills to form a new county to be called the county of Cleburne, from portions of Calhoun and Randolph counties .



To form a new county to be called the county of Hiliabee, out of portions of Talladega and Randolph counties ;

Which reports were severally concurred in.

Mr. Powell, of Tuscaloosa, from the committee on Internal Improvements, reported a substitute for the bill to extend the indebtedness of the N. E. and S. W. Alabama Railroad company, and the Wills' Valley Railroad company, incurred under the provisions of an act to loan and appropriate the three per cent. fund and its interest, approved February 18, 1860.

The bill and substitute was recommitted to the Judiciary Committee.

Mr. Garrett, from the Committee on Finance and Taxation, reported favorably to the House bill,

To establish revenue laws of the State of Alabama, with the following amendment :

Strike out the paragraph embraced in lines 29 and 39 ;

2d. Strike out the words "without distinction of color," in section 2 ;

3d. Strike out paragraph 12, in same section ;

4th. Add a proviso at end of section 4 ;

5th. Add two additional sections, numbered 109 and 110.

The first amendment was adopted ;

The second amendment was adopted.

Mr. Garrett moved to insert the words, "and names," after the word "number," in paragraph 1, section 2 ; which carried.

Mr. Lindsay moved to strike out "two dollars," as poll tax, and insert "one dollar ;" which was lost.

Yeas, 13 ; nays, 18.

YEAS—Messrs. Bell, Edwards, Felder, Foster, Jackson, of Lauderdale, Jackson, of Morgan, Jones, Norwood, Powell, of Tuscaloosa, Stansel, Winston and Woodliff.—13.

NAYS—Messrs. President, Ashley, Barnes, Boykin, Cooper, Deason, Drake, Forney, Gage, Garrett, Huckabee, Kilpatrick, Montgomery, Moren, Powell, of Macon, Sykes and Wood.—18.

Mr. Powell, of Tuscaloosa, moved to strike out "two dollars," and insert "one dollar and fifty cents ;" which was lost.

Mr. Lindsay moved to strike out "one-fourth," and insert "one-third," in paragraph 3, sec. 2 ; which was lost.

Yeas, 8 ; nays, 22.

YEAS—Messrs. Barnes, Bell, Edwards, Jackson, of Lauderdale, Jackson, of Morgan, Lindsay and Powell, of Tuscaloosa.—8.

NAYS—Messrs. President, Ashley, Boykin, Cooper, Deason, Drake, Felder, Forney, Gage, Garrett, Huckabee, Kilpatrick, Mitchell, Montgomery, Moren, Norwood, Powell, of Macon, Stansel, Sykes, Winston, Wood and Woodliff.—22.

Mr. Edwards moved to strike out "fifty cents," and insert "twenty-five cents;" which was lost.

Mr. Jackson, of Morgan, moved to strike out "two dollars," as the tax on pistols, and insert "one dollar;" which was lost.

The amendment of the committee to strike out paragraph 12, section 2, was adopted.

Mr. Barnes moved to strike out paragraph 15, section 2; which was lost.

Mr. Lindsay moved to amend, by inserting after the word "valid," the following, "when such bill shall extend over more than twenty lines on the enrolling sheets of the General Assembly."

On motion by Mr. Edwards, the vote refusing to strike out paragraph 15, section 2, was reconsidered.

Yeas 15, Nays 14.

YEAS—Messrs. President, Barnes, Bell, Deason, Forney, Jackson of Lauderdale, Jackson of Morgan, Jones, Kilpatrick, Lindsay, Mitchell, Norwood, Powell of Tuscaloosa, Stansel, and Winston—15.

NAYS—Messrs. Ashley, Boykin, Cooper, Felder, Gage, Garrett, Huckabee, Montgomery, Moren, Powell of Macon, Wood, and Woodliff—14.

The question recurred on striking out;

Which was put and carried.

Yeas 15, Nays 14.

YEAS—Messrs. President, Barnes, Bell, Deason, Forney, Jackson of Lauderdale, Jackson of Morgan, Jones, Kilpatrick, Lindsay, Mitchell, Norwood, Powell of Tuscaloosa, Stansel, and Winston—15.

NAYS—Messrs. Ashley, Boykin, Cooper, Drake, Felder, Gage, Garrett, Huckabee, Montgomery, Moren, Powell of Macon, Sykes, Wood, and Woodliff—14.

Mr. Cooper moved to strike out all after the word "valid," in paragraph 16, section 2, to the word "Assembly," inclusive,

Which was carried.

Mr. Barnes moved to amend, by striking out all after the word "Comptroller," to the end of the paragraph;

Which was carried.

The Senate then adjourned until 4 o'clock this afternoon.

#### AFTERNOON SESSION.

The Senate met pursuant to adjournment,

And resumed the consideration of the bill to establish Revenue Laws of the State of Alabama.

Mr. Barnes moved to strike out paragraph 16 of section 2.

Mr. Garrett moved to amend the paragraph by striking out "one-fourth," and insert "one-tenth," which, having precedence over Mr. Barnes' motion, was put and lost.

Mr. Barnes' motion was put and carried.

Yeas 17, Nays 10.

YEAS—Messrs. President, Ashley, Barnes, Bell, Deason, Felder, Forney, Gage, Huckabee, Jackson of Lauderdale, Jackson of Morgan, Kilpatrick, Mitchell, Norwood, Powell of Macon, Powell of Tuscaloosa, and Winston—17.

NAYS—Messrs. Cooper, Drake, Edwards, Garrett, Jones, Montgomery, Moren, Stansel, Sykes and Wood—10.

Mr. Sykes moved to lay the proviso to the 4th section, reported by the committee, on the table ;

Which was lost.

The amendment was adopted.

Mr. Drake moved to strike out "one hundred", in the proviso, and insert "fifty";

Which was lost.

Paragraphs 14, 15 and 16, to the end of section 4, reported by the committee, were adopted.

Sections 109 and 110, reported by the committee as additional sections to come in at the end of the bill, were adopted.

On motion by Mr. Drake, the Senate adjourned until to-morrow morning, 10 o'clock.

TUESDAY, February 13.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Jordan.

Mr. Barnes introduced a bill to amend section 1, of an act to incorporate the town of Bluffton, in Chambers county ;

Which was read three times, under a suspension of the constitutional rule, and passed.

Message from the House by Mr. Fowler :

*Mr. President :*

The House has originated and passed the following bills :

To exempt from levy and sale two hundred pounds of lint cotton for the use of every family ;

Regulating the sale of vinous or spirituous liquors in the town of Haw Ridge, in Dale county ;

To authorize the Governor to sell the Alabama State Arsenal building, in the city of Tuscaloosa ;

To make Eliza Walton, of Wilcox county, a free dealer ;

To authorize Wm. O. Sharpe, of the county of Chambers, to sell a certain tract of land ;

To define the jurisdiction of judges of probate in certain cases ;

To require the Attorney General to proceed against certain persons, and the Governor to take steps to recover property belonging to the State.

The House has passed the Senate bills—

To establish the Canebrake Agricultural District, and to provide for securing the same and the management of its affairs ;

For the relief of Madison B. Camp and Eliza J. Hatfield, of Calhoun county ;

To incorporate the Planters' and Merchants' Insurance Company of Mobile.

The House has amended by substitute as therein shown, and passed the Senate bill to regulate judicial proceedings.

Mr. Garrett moved to reconsider the bill passing the House bill

To continue the collection of the records of Alabama soldiers in the late war ;

Which motion was postponed for the present.

The Senate resumed the consideration of the House bill,

To establish revenue laws of the State.

Mr. Garrett moved to amend section 77 by substitute ; which was adopted.

Mr. Garrett moved to amend section 13, by adding a proviso as follows :

“ Provided, That spirituous liquors sold at wholesale within this State, and for export *bona fide* to other States, and not for consumption within this State, shall be exempted from the tax prescribed under this section.”

On motion by Mr. Lindsay, the amendment was laid on the table.

Mr. Jackson, of Lauderdale, moved to reconsider the vote adopting the proviso to paragraph 1, section 4 ; which carried.

Mr. Jackson of Lauderdale, moved to amend the proviso, by inserting the words “ or distiller,” after the word “ merchant:” which carried ;

And the proviso as amended, was adopted.

Mr. Drake moved to amend section 11, as follows :

Strike out the first nine lines, and insert, “ That all distillers

shall pay a tax of fifty cents a gallon upon all proof spirits distilled.

Mr. Garrett moved to lay the amendment on the table ; which carried.

Yeas, 18 ; nays, 13.

YEAS—Messrs. Ashley, Bell, Boykin, Cooper, Forney, Foster, Gage, Garrett, Huckabee, Kilpatrick, Mitchell, Montgomery, Moren, Powell of Macon, Powell of Tuscaloosa, Stansel, Sykes and Wood.—18.

NAYS—Messrs. President, Barnes, Deason, Drake, Edwards, Felder, Jackson of Lauderdale, Jackson of Morgan, Jones, Lindsay, Norwood, Winston and Woodliff.—13.

Mr. Jackson, of Morgan, moved to amend, by striking out section 12 to the word “section,” inclusive, in the sixth line, and inserting, “there shall be assessed no taxes upon the capacity of stills exclusively used in the distillation of fruit.”

Mr. Garrett moved to lay the amendment on the table ; which was lost.

Yeas, 14 ; nays, 16.

YEAS—Messrs. Bell, Boykin, Cooper, Forney, Foster, Gage, Garrett, Huckabee, Mitchell, Montgomery, Moren, Powell of Tuscaloosa and Sykes.

NAYS—Messrs. President, Ashley, Barnes, Deason, Drake, Edwards, Felder, Jackson of Lauderdale, Jackson of Morgan, Jones, Kilpatrick, Lindsay, Norwood, Stansel, Winston, and Woodliff—16.

Mr. Sykes moved to strike out the word “fifty” in same section and insert “twenty-five.” This motion having precedence over Mr. Jackson’s motion, as the friend of the section, has the right to perfect the same.

A division of the question being called for, the question was first taken on striking out,

Which was put and carried.

The question then being taken on inserting “twenty-five,” it was put and carried. Yeas 16, nays 15.

YEAS—Messrs. Bell, Boykin, Cooper, Forney, Foster, Gage, Garrett, Kilpatrick, Mitchell, Montgomery, Moren, Powell of Tuscaloosa, Stansel, Sykes, and Wood—16.

NAYS—Messrs. President, Ashley, Barnes, Deason, Drake, Edwards, Felder, Jackson of Lauderdale, Jackson of Morgan, Jones, Lindsay, Norwood, Powell of Macon, Winston and Woodliff—14.

The question then recurring on Mr. Jackson’s motion to amend, it was put and carried. Yeas 16, nays 14.

YEAS—Messrs. President, Ashley, Barnes, Bell, Deason,

Drake, Edwards, Felder, Jackson of Lauderdale, Jackson of Macon, Jones, Lindsey, Norwood, Powell of Macon, Winston and Woodliff—16.

NAYS—Messrs. Cooper, Forney, Foster, Gage, Garrett, Huckabee, Kilpatrick, Mitchell, Montgomery, Moren, Powell of Tuscaloosa, Stansel, Sykes, and Wood—14.

Mr. Garrett moved to strike out the word "proof" in section 11, before the word "spirits," which was adopted.

Mr. Cooper moved to amend section 12 by proviso as follows :

*Provided*, That if any owner of any still not taxed shall use any grain of any kind, shall be guilty of a misdemeanor, and shall, on conviction, be fined in a sum not less than five hundred dollars ;

Which was adopted.

The constitutional rule was suspended, and the bill read a third time, and passed. Yeas 16, nays 14.

YEAS—Messrs. Ashley, Bell, Boykin, Cooper, Forney, Gage, Garrett, Huckabee, Mitchell, Montgomery, Moren, Powell of Macon, Powell of Tuscaloosa, Stansel, Sykes, and Wood—16.

NAYS—Messrs. President, Barnes, Drake, Edwards, Felder, Foster, Jackson of Lauderdale, Jackson of Macon, Jones, Kilpatrick, Lindsay, Norwood, Winston, and Woodliff—14.

The House bill,

To loan seventy thousand dollars to the University of Alabama,

Was read three times, under a suspension of the constitutional rule and passed. Yeas 21, nays 7.

YEAS—Messrs. President, Barnes, Bell, Boykin, Cooper, Deason, Forney, Foster, Gage, Huckabee, Jackson of Lauderdale, Jackson of Morgan, Jones, Kilpatrick, Lindsay, Mitchell, Montgomery, Norwood, Powell of Tuscaloosa, and Stansel—21.

NAYS—Messrs. Ashley, Edwards, Felder, Moren, Sykes, and Woodliff—7.

The Senate proceeded to consider the special orders, the first in order being the House bill—

To extend the indebtedness of the Montgomery and Eufaula Railroad Company ;

On motion by Mr. Barnes,

Its further consideration was postponed until to-morrow, 11 o'clock.

The next special order, being the bill,

To alter and amend an act to loan and appropriate the three per cent. fund, and its interest, approved February 18, 1860, and other acts relating thereto ;

Its further consideration was postponed, and made the special order for to-morrow, half-past 10 o'clock.

The Senate proceeded to consider the House substitute for the Senate bill,

To regulate judicial proceedings ;

On motion by Mr. Felder,

The bill, as amended, by the House was referred to the Judiciary Committee.

Yeas 17 ; nays 12.

YEAS—Messrs. President, Ashley, Bell, Boykin, Deason, Felder, Forney, Gage, Huckabee, Jones, Kilpatrick, Mitchell, Montgomery, Powell of Tuscaloosa, Winston, Wood, and Woodliff—17.

NAYS—Messrs. Cooper, Drake, Edwards, Foster, Garrett, Jackson of Lauderdale, Lindsay, Moren, Norwood, Powell of Macon, Stansel, and Sykes—12.

On motion by Mr. Cooper,

The Senate adjourned until to-morrow morning, 10 o'clock.

WEDNESDAY, February 14.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Jordan.

Message from the Governor by his private Secretary Mr. Dixon :

*Mr. President :*

His Excellency the Governor has approved the following bills, which originated in the Senate :

To provide for the payment of the interest on State bonds, and to provide for the issue of State bonds to aid such payment ;

To incorporate the Eufaula Gas Light Company ;

To establish a Medical Board in the counties of Washington and Choctaw ;

To repeal an act relative to the toll at Wetumpka Bridge.

A message from the House by Mr. Clanton :

*Mr. President :*

The House of Representatives has passed the Senate bill—

To incorporate the Southern Press Association ;

And has originated and passed the following bills :

To authorize the commissioners court of Perry county to furnish the sheriff of said county with necessary books and stationery ;

To incorporate the Decatur and Pittsburg Petroleum Company.

Mr. Jones, from the Committee on Enrolled Bills, reported the following as correctly enrolled:

To establish the City Court of Eufaula ;

For the relief of Madison B. Camp and Eliza J. Hatfield of Calhoun county ;

To declare Caroline Moore a free dealer ;

To incorporate the Planters and Merchants Mutual Insurance Company, of Mobile ;

To establish the canebrake agricultural district, and to provide for its security, and the management of its affairs.

Mr. Moren introduced a bill—

To incorporate the Union Savings Association ;

Which was read three times, under a suspension of the constitutional rule, and passed.

Mr. Lindsay introduced a bill—

To incorporate the Coosa Petroleum and Mining Company ;

Which was read twice, under a suspension of the constitutional rule, and referred to the Committee on Corporations.

Mr. Garrett, from the Committee on Finance and Taxation, reported favorably to the House joint resolutions—

Authorizing Alabama to accept a grant of public lands.

The resolutions were read a third time, and adopted.

Also, from same committee, reported adversely to the House bill—

To assume and provide for the payment of the tax on real estate imposed by act of Congress, of the 15th of August, 1861.

The report was concurred in.

Yeas, 21 ; nays, 9.

YEAS—Messrs. President, Ashley, Barnes, Bell, Cooper, Deason, Edwards, Forney, Foster, Gage, Garrett, Huckabee, Jackson of Morgan, Jones, Mitchell, Montgomery, Moren, Powell of Macon, Powell of Tuscaloosa, and Wood—21.

NAYS—Messrs. Boykin, Drake, Felder, Jackson of Lauderdale, Kilpatrick, Lindsay, Norwood, Winston and Woodliff—9.

Mr. Moren, from Committee on Finance and Taxation, to which was referred the resolution of the House proposing that



the General Assembly adjourn *sine die*, on Thursday, the 15th inst., at 1 o'clock, p. m.,

Reported the following amendment :

Strike out " Thursday, the 15th, at 1 o'clock, p. m.," and insert " Friday, the 23d, at 12 o'clock, m."

The amendment was adopted, and the resolution as amended, was adopted.

Mr. Sykes from the committee on Finance and Taxation, reported adversely to the House bill to authorize Joanna Sullivan to peddle in the counties of Washington and Mobile, without license;

Which was concurred in.

Mr. Ashley from the same committee, reported favorably to the House bill to furnish certain volumes of the Supreme Court reports for Coffee county, with the following amendment :

" *Provided*, That the Secretary of State shall only supply such extra volumes as the State may have on hand, and not required to be kept in the State Library ;

Which was adopted.

Mr. Sykes moved to amend, by inserting the counties of Walker, and Winston ;

Which was adopted,

And the bill read a third time under a suspension of the constitutional rule and passed.

The title was amended, by adding the counties of Walker and Winston.

On motion by Mr. Moren, the vote passing the House bill to establish Revenue Laws of the State was reconsidered. Yeas 20, Nays 10.

YEAS—Messrs. Ashley, Barnes, Bell, Boykin, Cooper, Deason, Drake, Edwards, Felder, Foster, Garrett, Huckabee, Jackson of Lauderdale, Jones, Moren, Norwood, Powell of Macon, Stansel, and Woodliff—20.

NAYS—Messrs. President, Forney, Jackson of Morgan, Lindsay, Mitchell, Montgomery, Powell of Tuscaloosa, Sykes, Winston and Wood—10.

Mr. Lindsay moved to reconsider the vote ordering ;

Which was carried. Yeas 16, Nays 15.

YEAS—Messrs. Barnes, Bell, Drake, Edwards, Felder, Foster, Jackson of Lauderdale, Jackson of Morgan, Jones, Kilpatrick, Lindsay, Norwood, Powell of Tuscaloosa, Stansel, Winston, and Woodliff—16.

NAYS—Messrs. President, Ashley, Boykin, Cooper, Deason, Forney, Gage, Garrett, Huckabee, Mitchell, Montgomery, Moren, Powell of Macon, Sykes, and Wood—15.

Mr. Lindsay moved to amend the bill by striking out "two dollars," as poll tax, and inserting "one dollar and twenty-five cents."

Mr. Cooper moved to amend the amendment, by striking out \$1 25, and inserting \$1 75 ;

A division of the question being called for, the question was first taken on striking out ;

Which was put and carried. Yeas 16, Nays 14.

YEAS—Messrs. President, Bell, Deason, Drake, Edwards, Felder, Foster, Jackson of Lauderdale, Jackson of Morgan, Jones, Lindsay, Norwood, Powell of Tuscaloosa, Stansel, Winston, and Wood—16.

NAYS—Messrs. Ashley, Barnes, Boykin, Cooper, Forney, Gage, Garrett, Huckabee, Kilpatrick, Mitchell, Montgomery, Moren, Sykes and Wood—14.

The question then was taken on Mr. Cooper's motion to insert \$1 75 ; which was put and lost.

Yeas, 15 ; nays, 15.

YEAS—Messrs. President, Barnes, Boykin, Cooper, Forney, Gage, Garrett, Huckabee, Kilpatrick, Mitchell, Montgomery, Moren, Stansel, Sykes and Wood—15.

NAYS—Messrs. Ashley, Bell, Deason, Drake, Edwards, Felder, Foster, Jackson of Lauderdale, Jackson of Morgan, Jones, Lindsay, Norwood, Powell of Tuscaloosa, Winston and Woodliff—15.

Mr. Barnes moved to insert \$1 50 ; which was lost.

Yeas, 13 ; nays, 16.

YEAS—Messrs. President, Barnes, Boykin, Forney, Garrett, Jackson of Morgan, Kilpatrick, Mitchell, Montgomery, Powell of Tuscaloosa, Stansel, Sykes and Wood—13.

NAYS—Messrs. Ashley, Bell, Deason, Drake, Edwards, Felder, Foster, Gage, Huckabee, Jackson of Lauderdale, Jones, Lindsay, Moren, Norwood, Winston and Woodliff—16.

Mr. Forney moved to insert "one dollar ;" which was lost.

Yeas, 14 ; nays, 16.

YEAS—Messrs. Deason, Drake, Edwards, Forney, Foster, Jackson of Lauderdale, Jackson of Morgan, Jones, Kilpatrick, Lindsay, Norwood, Powell of Tuscaloosa, Winston and Woodliff—14.

NAYS—Messrs. President, Ashley, Barnes, Bell, Boykin, Cooper, Felder, Gage, Garrett, Huckabee, Mitchell, Montgomery, Moren, Stansel, Sykes and Wood—16.

Mr. Lindsay moved to reconsider the vote refusing to insert "one dollar and fifty cents;" which was lost.

Yeas, 14 ; nays, 15.

YEAS—Messrs. President, Bell, Drake, Forney, Garrett, Jackson of Morgan, Kilpatrick, Lindsay, Montgomery, Powell of Tuscaloosa, Stansel, Sykes, Wood and Woodliff—14.

NAYS—Messrs. Ashley, Boykin, Cooper, Edwards, Felder, Foster, Gage, Huckabee, Jackson of Lauderdale, Jones, Mitchell, Moren, Norwood, Powell of Macon and Winston—15.

Mr. Stansel moved to consider the vote striking out “two dollars;” which carried.

Yeas, 16; nays, 14.

YEAS—Messrs. President, Ashley, Boykin, Cooper, Forney, Gage, Garrett, Huckabee, Kilpatrick, Mitchell, Montgomery, Moren, Powell of Macon, Stansel, Sykes and Wood—16.

NAYS—Messrs. Bell, Deason, Drake, Edwards, Felder, Foster, Jackson of Lauderdale, Jackson of Morgan, Jones, Lindsay, Norwood, Powell of Tuscaloosa, Winston and Woodliff—14.

The question then being on striking out two dollars, it was put and lost.

Yeas, 14; nays, 16.

YEAS—Messrs. Bell, Deason, Drake, Edwards, Felder, Foster, Jackson of Lauderdale, Jackson of Morgan, Jones, Lindsay, Norwood, Powell of Tuscaloosa, Winston and Woodliff—14.

NAYS—Messrs. President, Ashley, Boykin, Cooper, Forney, Gage, Garrett, Huckabee, Kilpatrick, Mitchell, Montgomery, Moren, Powell of Macon, Stansel, Sykes, and Wood—16.

Mr. Garrett moved to suspend the constitutional rule, to give the bill a third reading forthwith;

Which was put, and lost.

Yeas 23; nays 7.

YEAS—Messrs. President, Ashley, Boykin, Cooper, Deason, Felder, Forney, Foster, Gage, Garrett, Huckabee, Jackson of Morgan, Jones, Kilpatrick, Mitchell, Montgomery, Moren, Powell of Macon, Powell of Tuscaloosa, Stansel, Sykes, Winston, and Wood—23.

NAYS—Messrs. Bell, Drake, Edwards, Jackson of Lauderdale, Lindsay, Norwood, and Woodliff—7.

On motion by Mr. Lindsay,

The vote just taken was reconsidered, and the constitutional rule was suspended, and the bill read a third time, and passed.

Yeas 17; nays 14.

YEAS—Messrs. President, Ashley, Barnes, Boykin, Cooper, Forney, Gage, Garrett, Huckabee, Kilpatrick, Mitchell, Montgomery, Powell of Macon, Powell of Tuscaloosa, Stansel, Sykes, and Wood—17.

NAYS—Messrs. Bell, Deason, Drake, Edwards, Felder, Foster, Jackson of Lauderdale, Jackson of Morgan, Jones, Lindsay, Moren, Norwood, Winston and Woodliff—14.

Ordered that the bill be sent forthwith to the House of Representatives.

Mr. Barnes, from the Judiciary Committee, to which was referred the bill,

To extend the indebtedness of the North-east and South-west Alabama Railroad Company, and the Wills' Valley Railroad Company, incurred under the provisions of "an act to loan and appropriate the three per cent. fund and its interest," approved February 18, 1860 ;

Reported, that, pursuant to said reference, the committee conclude—

1st. That the Legislature by said act intended to limit and confine the appropriations made by said act to the three per cent. fund, and did not intend to appropriate anything on the State, except said fund, as shown by section 13 of said act.

2d. That the amount of said fund was ascertained to be \$663,135 00, at the date of said act. That the whole of said amount was loaned for five years to the railroads mentioned in the second section of said act, other than the Tennessee and Alabama Central Railroad. That the amount appropriated in the 5th section of said act to said Tennessee and Alabama Central Railroad of \$173,740 00, with \$25,000 00 to the Colbert Shoals, in the 15th section of said act, was the amount of interest on said sum or fund of \$663,135 00, to accrue on said fund for the five years loan, and that the State by said act made the appropriation of the interest to accrue on said fund for the five years, in advance, to said Central Road and required the interest on said fund loaned to the other Roads to be paid into the State Treasury to reimburse the interest advanced to said Central Railroad back to the State.

The committee, therefore, in construing said act, considering its whole provisions and objects, and the meaning and intent thereof, as explained by the 13th section of said act itself, have come to the conclusion that the said Central Road is not entitled to interest on the said loans for the five years the loan was made, but that the said interest inures to the State, for reimbursement for the interest advanced to said Central Railroad, as aforesaid, but the committee have come to the conclusion that the said Central Railroad is entitled to interest by the 8th section of said act on said fund of \$663,135, from the 1st day of January, 1860; to the payment of the first instalment, as provided by the 5th section of said act, which is from the 1st day of January, 1860, to the 26th day of July, 1861, the time shown as the first payment as aforesaid was made.

The committee further report that the State never obligated

itself to pay interest on said fund, after the five years loan, as shown by said act, and that it is not liable for future interest on said fund, after the termination of said loan of five years, and that the payment of interest on the sum is a matter in the power and control of the State, and that said Central Railroad cannot demand the said future interest as a matter of right and law.

All of which is respectfully submitted.

The report was concurred in.

Yeas, 16 ; nays, 10.

YEAS—Messrs. Barnes, Cooper, Drake, Forney, Foster, Gage, Garrett, Huckabee, Jones, Kilpatrick, Montgomery, Moren, Powell of Tuscaloosa, Stansel Winston and Wood—16.

NAYS—Messrs. President, Ashley, Bell, Deason, Edwards, Felder, Jackson of Lauderdale, Jackson of Morgan, Norwood, and Sykes—10.

The consideration of the bill was postponed, and made the special order for to-morrow, at 11 o'clock.

Mr. Barnes, from the Judiciary Committee, to which was referred the bill—

To regulate judicial proceedings, as amended by substitute in the House of Representatives,

Reported that, in the opinion of the committee, the 2d section of the House substitute is evidently and plainly in violation of the constitution of the United States, which prohibits any State from passing any law impairing the obligation of contracts, as the said section adds and gives different terms and stipulations to deeds of trust and mortgages from the contract of parties.

The committee, therefore, recommend that the Senate refuse to concur in said House substitute, with a view of having a committee of conference between the two Houses, as soon as is courteous and parliamentary.

Mr. Sykes moved to recommit the bill to the same committee;

Which was lost.

The Senate refused to concur in the substitute of the House.

Mr. Stansel, from the Judiciary Committee, reported favorably to the House bill—

For the regulation of the chartered banks of the State of Alabama, with the following amendments :

First, strike out the last two lines of section 1 ;

Second, strike out section 2 ;

Which were adopted.

The question was next taken on the amendments reported by the Committee on Banks and Banking ;

And which were referred to the committee.

The amendments were adopted, and the bill read a third time, under a suspension of the constitutional rule, and passed.

Mr. Deason, from the Committee on Corporations, reported favorably to the bill

To incorporate the Society in the city of Mobile, called the "Fidelia.

Mr. Felder moved to amend as follows :

*Provided*, That the real estate owned at any time by said company shall not exceed \$100,000 ;

Which was adopted, and the bill read a third time, under a suspension of the constitutional rule, and passed.

Mr. Forney, from the same committee, reported favorably to the bill

To incorporate the Alabama Petroleum Vapor Stove and Gas Light Company ;

Mr. Jackson, of Morgan, from the same committee, reported favorably to the bill

To incorporate the Pleasant Grove Methodist Episcopal Church South, of Coosa county, and to prohibit the sale of spirituous liquors within a half mile of the same.

The bills were severally read a third time, under a suspension of the constitutional rule, and passed.

Mr. Norwood, from the same committee, reported favorably to the House bill

To incorporate the Larkinsville Academy, in Jackson county.

The bill was read a third time, under a suspension of the constitutional rule, and passed.

Mr. Garrett, from the Committee on Finance and Taxation, reported adversely to the bill

Authorizing the Governor to make settlement with McClung & Jacques, and all other agents acting under authority of the State.

The report was concurred in.

Mr. Cooper, from the Judiciary Committee, reported adversely to the bill to authorize the chancery court to act in certain cases.

Mr. Drake moved to lay the report on the table ;

Which was lost.

The report was concurred in.

On motion by Mr. Garrett, leave of absence was granted to Mr. Powell, of Macon.

The Senate then adjourned until to-morrow morning, ten o'clock.

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THURSDAY, February 15.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Jordan.

Mr. Kilpatrick introduced a bill—

To authorize the renting the lands of Charles Mitchell, a minor, by private contract ;

Mr. Huckabee introduced a bill—

To incorporate the “Orphans’ Home Association” ;

Which were severally read three times, under a suspension of the constitutional rule, and passed.

Mr. Edwards introduced a bill—

To incorporate the Planters’ Aid Association of Alabama ;

Which was read twice, under a suspension of the constitutional rule, and referred to the Committee on Corporations.

A message was received from the Governor by his private Secretary, Mr. Dixon, announcing the approval by his Excellency the Governor, of the Senate bill—

To incorporate the Southern Press Telegraph company.

Message from the House of Representatives by Mr. Fowler :

*Mr. President :*

The House of Representatives has originated and passed the following bills :

To amend section 3570, of the Code, so as to prevent the receipt of certificates of State witnesses in payment of fines and forfeitures ;

To define and regulate the liability of common carriers ;

To incorporate the Liberty Church, in Cherokee county ;

To extend an act entitled “an act to provide a more efficient remedy in cases of unlawful detainer in the city of Mobile,” approved 3d March, 1848, to the county of Mobile ;

To re-enact section 3536, of the Code, which provides that no entry of indictments upon the minutes shall be made at the first term ;

To authorize writs of garnishment against incorporated cities, towns and villages ;

To repeal an act to amend section 1143, of the Code, as to overseers of roads ;

To authorize Registers in Chancery to appoint receivers ;

To amend sections 2865 and 2867, of the Code;

To encourage Immigration ;

To legalize the marriage of J. W. Carter and Martha L. Chapman, of Madison county ;

For the relief of maimed indigent persons in this State ;

To amend and extend an act to change and modify section 2706 of the Code, in relation to the lien of steamboats, approved Feb. 15, 1855 ;

To amend the 1st and 3d sections of an act to incorporate the town of Clayton, in Barbour county, approved December 21, 1841 ;

To provide for the rendition of orders, decrees, and settlements, and other proceedings in the Probate Court, in cases where the Probate Judge is incompetent to preside ;

And has adopted—

A joint memorial to the Congress of the United States, in behalf of J. M. Daniel, late Sheriff of Cherokee county

The House concurs in the Senate amendments to the House bills—

Directing the delivery to the Western Railroad Company of a certain bond given by the Alabama and Mississippi Rivers Railroad Company for a part of the two per cent. fund ;

To create a new county out of certain portions of Coosa, Montgomery, Tallapoosa and Autauga counties ;

To amend certain sections of the charter and amended charter of the Alabama and Tennessee Rivers Railroad Company, and to enlarge the powers of said company ;

To authorize the commissioners court of Madison county to establish gates on the public roads of said county.

The House has passed the following Senate bills—

To provide blank books for records in certain cases ;

For the relief of Elizabeth alias Eliza Pizzala ;

To amend the charter of the City of Montgomery, to extend certain bonds due by the city for building State House ;

To incorporate the Greensboro Hotel Company ;

To incorporate the Mutual Fire Insurance Company ;

To authorize the commissioners court of Marshall county to issue treasury notes, for the purpose of building a court house and jail ;

To amend an act to amend the charter of the Opelika and Talladega Railroad Company, approved Nov. 9, 1861 ;

To regulate the office of Attorney General ;

To authorize the commissioners court of Pike county to issue treasury notes to pay for building bridges enlarging and



repairing the court house and jail, and for other county purposes ;

To authorize the Probate Court of Calhoun county to grant an order to the executors of the estate of Peter Black, deceased, to sell at private sale uncurrent bank bills ;

To regulate the cost of revenue stamps in suits at law ;

To authorize Catherine Hughes, administratrix of the estate of Joseph Hughes, deceased, late of Cherokee county, to keep the estate together with power to sell the personal effects at public or private sale ;

To incorporate the Mobile Manufacturing Company ;

To incorporate the Rock and Lignite Oil Company of Alabama.

The House has amended, as therein shown, and passed the Senate bills—

To legalize the issue of change bills, by authority of the city council of Montgomery ;

To provide for taking the census of the State for the year 1866, as ordered by ordinance of the convention, 1865.

The House insists on its substitute for the Senate bill—

To regulate Judicial proceeding, and asks for a committee of conference of the two Houses upon the same ;

Messrs. Tompkins, Echols, Sheffield, Pierce, Mabry, and Hawthorne are the committee on the part of the House.

Mr. Jones, from the committee on Enrolled Bills, reported as correctly enrolled the bill—

To incorporate the Southern Press Telegraph Company.

Mr. Moren, from the Committee on Accounts and Claims, to which was referred the account of J. Davidson & Co., reported a bill—

For the relief of J. Davidson & Co. ;

Which was read three times, under a suspension of the constitutional rule, and passed.

Mr. Foster, from the same committee to which was referred the account of W. S. Barton, reported a bill—

For the relief of W. S. Barton ;

Which was read a third time, under a suspension of the constitutional rule, and passed.

On motion by Mr. Moren, the vote concurring in the adverse report of the Committee on Finance and Taxation upon the House bill—

To assume and provide for the payment of the tax on real estate, imposed by act of Congress of August 16th, 1861, was reconsidered, and the bill recommitted to the same committee.

On motion by Mr. Sykes, the vote concurring in the adverse report of the committee upon the House bill—

To authorize Joanna Sullivan to peddle in Mobile and Washington counties without license, was reconsidered.

The question recurring on concurring in the report, it was put and carried.

Mr. Garrett offered the following resolution:

*Resolved*, That the Joint Select Committee, raised to consider and report upon the criminal laws, be instructed to inquire into the expediency of providing more efficiently against incestuous marriages;

Which was adopted.

Mr. Winston, from the Judiciary Committee, reported favorably to the House bill---

For the relief of David R. Fletcher and Sarah M. Harless, of Marshall county, and Thomas B. McKissack and R. Teal, of Russell county;

The bill was read a third time, under a suspension of the constitutional rule, and passed.

Mr. Drake, from the Committee on Finance and Taxation, reported adversely to the House bill,

For the relief of Levi Hinds, tax-assessor for Madison county.

Mr. Drake moved to lay the report on the table, which was lost; and the report was concurred in.

Mr. Stansel, from the Committee on Corporations, reported adversely to the bill,

To incorporate the Tallapoosa Water Power Company.

The consideration of the bill and report was postponed, and made the special order for to-morrow.

The Senate proceeded to consider the message from the House, appointing a committee of conference upon the bill,

To regulate judicial proceedings.

The Senate agreed to the committee of conference as asked for by the House, and Messrs. Lindsay, Barnes, Sykes, Stansel, Gage, and Mitchell were appointed the committee on the part of the Senate.

The Senate proceeded to consider the special orders set for this day, the first in order being the bill,

To alter and amend an act to loan and appropriate the 3 per cent. fund and its interest.

The question pending being on the adoption of the substitute reported by the Committee on Internal Improvements for the bill referred to the committee,

Mr. Powell, of Tuscaloosa, from the Committee on Internal Improvements, made the following minority report:

The majority of the committee adopt a report and recommend a substitute for the original bill, to neither of which can the undersigned agree. The report of the committee they believe to be incorrect in a very important particular—it undertakes to ascertain the amount which the Tennessee & Alabama Central Railroad Company, or Mountain Railroad Constructing Company, would be entitled under the 8th section of an act to loan and appropriate the 3 per cent. fund and its interest, approved February 18, 1860, provided said road occupied the position to demand the same on the 18th February, 1866, and from that investigation the following result is attained:

Amount appropriated to the Tennessee & Alabama

Central Railroad Company, undersaid section, \$663,135 00

With its accumulated interest. . . . \$244,249 48

Less amount paid by the State un-

der 3d section. . . . . 134,135 00—\$110,095 48

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Making a total under section 8. . . . . \$773,230 48

By what mode of calculation the foregoing result is obtained, the report does not state. It simply states the facts, and leaves the balance to conjecture. The undersigned cannot agree to the statement of the committee, that the accumulated interest due said railroad company is the sum stated.

If we calculate the interest on the entire sum from the date of the passage of the act to the 18th February, 1866, we find only the sum of \$239,808 60. That sum taken from the stated \$244,249 48 will leave the sum of \$5,440 80, and this is a calculation upon the entire sum for the whole period of time (say six years.)

But from a careful examination of the act of 18th February, 1860, and for more particularly the 13th section of said act, the undersigned unhesitatingly reaches the conclusion that in no event, was the State responsible for any interest not collected from the various railroad companies to which said fund was loaned. In section 13 it is provided, that in case the interest shall not be collected from said roads, the amount not collected shall be deducted from the amount appropriated of \$663,135 00. The whole act shows a clear intention on the part of the State to negative the idea that in any event the State should be bound for any interest not collected from said roads. If this is a correct view of the act referred to, then the State would only be liable to said Mountain Railroad Constructing Company for the amount of interest collected, added to the amount of interest due from the several roads to which the fund was loaned.

The annexed statement will show the amount due by the

State, from which it will appear that the whole amount is as follows :

Due from the Cahaba, Marion and Greensboro Co.	\$3,265 73
Due from the Montgomery and Eufaula R. R. Co.	10,273 00
Due from the N. E. & S. W. Ala. R. R. Co.....	64,771 83
Due from the Wills' Valley Railroad Co., (paid in part). . . . .	22,407 39
Due from the Ala. & Miss. Rivers R. R. Co.....	9,650 00
Due from the Opelika and Oxford R. R. Co....	12,209 00
Paid by the Ala. & Tenn. Rivers R. R. Co.....	47,590 51

Making a total of.....\$170,166 46

From.....	\$244,249 48
Take.....	170,166 46

And we find the sum of..... \$74,083 02

Which the report claims for the road over and above what it would be entitled to even could it now make a demand of the State. Under section 5, the State appropriated the interest to accrue on the fund, which is ascertained to be \$173,940; after deducting the sum of \$25,000 to the Colbert Shoals, this amount is to be paid to the Tennessee and Alabama Central Railroad Company, in six semi-annual instalments. By section 13, it is provided that if in any case there be a failure to collect the interest on the amount loaned the different roads, the amount not collected, shall be deducted from the sum appropriated, \$363,135. If we adopt this as the proper basis, we find the following as the result :

Amount appropriated under section 8.....	\$663,135 00
Interest until July 26, 1861, (date of first payment under section 5).....	62,475 73
Interest as provided in section 5.....	173,740 00
	<hr/>
	\$889,550 73

From this sum deduct the amount  
paid by the State under the  
5th section.....\$134,154 00

Accruing interest on fund in Treas-  
ury after first payment, before  
the same was paid to the

road, to-wit: . . . . .	4,900 00	
Amount of interest accruing on amount paid to the State by the Ala. & Tenn. Rivers R. R. from the time the same was paid in . . . . .	27,471 26—	166,425 26

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Thus, it appears, that the amount the Mountain  
Railroad Contracting Company is entitled to  
receive is the sum of . . . . . \$733,025 47

If, from the sum claimed . . . . .	\$773,230 44
We take the true amount, as ascertained by the above calculation, to-wit: the sum . . . . .	733,025 47

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There is an excess claimed over what would be  
due of . . . . . \$10,225 01

The report of the Committee seems carefully to avoid any allusion to the terms upon which the Tennessee and Alabama Central Railroad, should be entitled to receive the appropriation. It does not even deign to give the Senate a reason for its failure to comply with the terms required by the act aforesaid, but proceed as if the said road was in no default whatever. If we turn to the bill reported by the committee, it is equally objectionable.

The 1st section of the bill relieves the Mountain R. R. Constructing Company from all the terms and conditions of the appropriations placed by the act of 1860 upon the Tennessee and Alabama Central R. R. This, the undersigned does not think, is right or politic. It seems, from the original act, that the State did not intend to part with its right to control the fund in question until it should be certain the object contemplated by the original grant had been so far accomplished that the fund would insure its completion. Hence it was, that by the act of Feb., 1860, the Legislature required, as a condition upon which the appropriation should be made, that the superstructure of the road should be completed, and that said road should give bond, with good security, that it would have the entire road in running order within a given period; and the further condition, that the fund appropriated should be expended exclusively for iron, thereby clearly indicating that the Legislature intended this appropriation should effect the final completion of the road, and that the State would hold the fund until its application would produce that result, believing that it would now be impolitic to depart from that policy.

Again, the bill proposes and requires that the Governor turn over to the Mountain Railroad Constructing Company, the bonds of the several railroad companies to which the fund has been loaned, and thereby place all said roads, to a great extent, at the mercy of the Mountain Railroad Constructing Company; and that, simply because said roads have been unable to meet their obligations, and that, too, while they are no more in default than the said T. & A. C. R. R. Co. The undersigned cannot believe that the State will make such an unfair discrimination in favor of one and against other enterprises, each having the same claim to indulgence.

The 3d section of the bill provides that the Governor issue bonds to the amount of \$328,000 00, and deliver them to the Mountain Railroad Constructing Company. It is of doubtful policy for the State at this time, to allow any more of her credit to go into the market than is absolutely necessary to meet the direct wants of the treasury; even admitting that the M. R. R. C. Co., was in a position to make demand on the treasury, and was in no default in relation to the conditions upon which it was to have the appropriation. The bill and report both assume the position that the T. and A. C. R. R. Co., is entitled to the interest accruing on the fund after the expiration of five years, as provided in the act to loan the said fund. The undersigned deny that such position is sustained by the act. It is also denied that said company is in a condition now to make any demands of the State.

In making this report, the undersigned would not be understood as opposed to granting extension to the several railroad companies that indulgence called for by the times, but are willing to vote all indulgence consistent with a proper regard to all the interests of the State, and each and every road upon the same terms.

Believing that the passage of the bill would give the Mountain Railroad Constructing Company an amount largely in excess of what it would be entitled to receive, (even were it in no default,) and that it would relieve the road from the original conditions of the appropriations, and at the same time place the other roads interested in the power of the Mountain Railroad Constructing Company, and finally, that it might embarrass the credit of the State.

The undersigned submit the foregoing report in opposition to its passage.

E. A. POWELL,  
WM. O. WINSTON.

Mr. Cooper moved to amend the substitute reported by the Committee on Internal Improvements, by substitute.

Pending the consideration of which,

On motion, by Mr. Sykes,

The further consideration of the bill and amendment was postponed until to-morrow.

The special order being the House bill—

To extend the indebtedness of the Montgomery and Eufaula Railroad Company.

The question pending being on the adoption of the substitute offered by Mr. Cooper,

By leave, Mr. Cooper withdrew his substitute.

The question recurred on the adoption of the amendment offered by Mr. Powell of Tuscaloosa.

The amendment was adopted.

Mr. Cooper moved to amend by striking out the following proviso :

*Provided*, That said extension shall not be granted until the Mountain Railroad Constructing Company shall assent to said extension ;

Which was lost.

And the bill read a third time, under a suspension of the constitutional rule, and passed.

Yeas, 25 ; nays, 2.

YEAS—Messrs. President, Ashley, Bell, Deason, Drake, Edwards, Felder, Forney, Foster, Gage, Garrett, Huckabee, Jackson of Morgan, Jones, Kilpatrick, Mitchell, Montgomery, Norwood, Powell of Tuscaloosa, Stansel, Sykes, Winston, Wood and Woodliff—25.

NAYS—Messrs. Cooper and Moren.

Mr. Kilpatrick offered the following resolution :

*Resolved*, That a committee of three be appointed to invite Gen. W. J. Hardee to a seat within the bar of the Senate ;

Which was adopted.

Yeas, 20 ; nays, 10.

YEAS—Messrs. Ashley, Barnes, Boykin, Deason, Drake, Felder, Forney, Foster, Gage, Huckabee, Jackson of Morgan, Kilpatrick, Lindsay, Mitchell, Montgomery, Norwood, Powell of Tuscaloosa, Stansel, Wood and Woodliff—20

NAYS—Messrs. President, Bell, Cooper, Edwards, Garrett, Jackson of Lauderdale, Jones, Moren, Sykes and Winston—10.

On motion, by Mr. Foster,

Leave of absence was granted to Mr. Slaughter.

On motion, by Mr. Garrett,

Leave of absence was granted to Mr. Mitchell.

On motion, by Mr. Powell, of Tuscaloosa.

The vote adopting the resolution offered by Mr. Kilpatrick, inviting Gen. W. J. Hardee to a seat within the bar of the Senate ;

Was reconsidered.

Mr. Kilpatrick asked leave to withdraw the resolution ;

Which was granted.

The Senate proceeded to consider the next special order, it being the bill—

To extend the indebtedness of the N. E. & S. W. Ala. R., and the Wills Valley Railroad.

The question being on the adoption of the substitute reported by the Committee on Internal Improvements,

Pending the consideration of which,

On motion, by Mr. Lindsay,

The Senate adjourned until to-morrow morning, at ten o'clock.

FRIDAY, February 16.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Jordan.

The Senate proceeded to consider the amendments made by the House to the Senate bill—

To provide for taking the census of this State for the year 1866 ;

The Senate concurred in the 1st amendment and refused to concur in the additional sections added to the bill.

Mr. Garrett, from the Committee on Finance and Taxation, reported favorably to the House bill,

To assume and provide for the payment of the tax on real estate imposed by act of Congress of the 5th August, 1861, with the following amendments :

In the 3d line of 3d section, after the word "accounts," insert the words "and State treasurer."

In the 5th line of section 3, after the words "United States," insert the following : "or at such other place as may be agreed upon."

In the same line strike out the words "at the rate of six," and insert the following : "at such rate as may be agreed upon, not to exceed seven"—

Amend by additional section as section 5.

The amendments were read and adopted, and the bill read a



third time, under a suspension of the constitutional rule, and passed. Yeas 23, nays 2.

YEAS—Messrs. President, Ashley, Barnes, Bell, Boykin, Cooper, Deason, Edwards, Felder, Forney, Gage, Garrett, Jackson of Lauderdale, Jackson of Macon, Jones, Kilpatrick, Lindsey, Moren, Powell of Tuscaloosa, Stansel, Winston, Wood, and Woodliff—23.

NAYS—Messrs. Foster and Montgomery—2.

Mr. Stansel, from the Committee on Corporations, reported favorably to the bill,

To incorporate the Coosa Petroleum and Mining Company,  
With the following amendment to section 6 :

*Provided*, the same shall not interfere with any similar franchise of other persons, or obstruct any navigable stream ;

Which was adopted, and the bill read a third time, under a suspension of the constitutional rule, and passed.

Mr. Boykin introduced a bill,

In relation to the estate of John McCrary, deceased ;

Which was read three times, under a suspension of the constitutional rule, and passed.

Mr. Barnes, from the Judiciary Committee, reported favorably to the bill,

To amend section 2875 of the Code.

The bill was read a third time, under a suspension of the constitutional rule, and passed.

The Senate proceeded to consider the amendment of the House to the Senate bill,

To legalize the issue of change bills by the city council of Montgomery.

Mr. Felder moved to amend the amendment as follows :

*Provided*, That their bills shall not be receivable in payment of taxes and dues to the city.

Mr. Jones, from the Committee on Enrolled Bills, reported the following as correctly enrolled :

To incorporate the Alabama Petroleum, Vapor Stove and Gas Light Company ;

To authorize Catharine Hughes, administratrix of the estate of Joseph Hughes, deceased, late of Cherokee county, to keep the estate together, with power to sell the personal property, either at public or private sale ;

To regulate the cost of Revenue Stamps in suits at law ;

To amend an act to amend the charter of the Opelika and Talladega Railroad company, approved November 9, 1861 ;

To incorporate the Mobile Manufacturing company ;

To incorporate the Rock and Lignite Oil company of Alabama ;

For the relief of Elizabeth alias Eliza Pizzala.

Message from the Governor by his private Secretary, Mr. Dixon :

*Mr. President :*

His Excellency, the Governor, has approved the following bills, which originated in the Senate :

To incorporate the Planters and Merchants Mutual Insurance company, of Mobile ;

To incorporate the Petroleum Vapor Stove and Gas Light company.

Message from the House of Representatives, by Mr. Fowler :

*Mr. President :*

The House of Representatives has passed the following Senate bills :

To amend the first clause of section 711, of the Code, so as to extend the Civil Jurisdiction of Justices of the Peace to one hundred dollars ;

To incorporate the Petroleum Vapor Stone and Gas Light company ;

And has amended the title and passed the Senate bill,

To repeal an act therein named, so as to read, for the relief of the administratrix of John Geron.

The House has originated and passed the following bills:

To authorize the Commissioners' Courts of Autauga and Pickens counties to issue certificates of indebtedness or county Treasury Notes, for purposes therein specified ;

To regulate the jurisdiction of criminal offences occurring upon the bay of Mobile, and parts adjacent thereto ;

To provide for a preparation of a revised Code of the Statute Laws of the State, of a general and public nature.

The House refuses to concur in the Senate amendment striking out "1868," and inserting "1867," in the House bill,

For the regulation of the chartered Banks of the State, and concurs in the other amendments made thereto.

The Senate proceeded to consider the messages from the House.

The House bill—

To prohibit the sale of vinous or spirituous liquors in or about the State Capitol ;

Was read twice, under a suspension of the constitutional rule.

Mr. Barnes moved to refer the bill to the committee on Finance and Taxation.

Mr. Drake moved to lay the bill on the table, which having the precedence, was put and lost.

Yeas, 12 ; nays, 16.

YEAS—Messrs. President, Barnes, Cooper, Drake, Forney, Jackson of Lauderdale, Jackson of Morgan, Jones, Lindsay, Norwood, Stansel, and Wood—12.

NAYS—Messrs. Ashley, Bell, Boykin, Deason, Edwards, Foster, Gage, Garrett, Huckabee, Kilpatrick, Montgomery, Moren, Powell of Tuscaloosa, Sykes, Winston, and Woodliff—16.

Mr. Barnes moved to strike out section 2 ;

Which carried.

Mr. Sykes moved to refer the bill to the Judiciary Committee ;

Which was lost.

Yeas, 13 ; nays, 14.

YEAS—Messrs. Barnes, Boykin, Drake, Forney, Jackson of Lauderdale, Jackson of Morgan, Jones, Kilpatrick, Lindsay, Norwood, Stansel, Sykes, and Wood—13.

NAYS—Messrs. President, Ashley, Bell, Deason, Edwards, Foster, Gage, Garrett, Huckabee, Montgomery, Moren, Powell of Tuscaloosa, Winston, and Woodliff—14.

Mr. Garrett moved to refer the bill to the Committee on State Capitol ;

Which was lost.

Mr. Garrett moved to dispense with the constitutional rule, to give the bill a third reading forthwith ;

Which was lost.

Yeas, 17 ; nays, 10.

YEAS—Messrs. President, Ashley, Bell, Cooper, Deason, Edwards, Foster, Gage, Garrett, Huckabee, Jackson of Morgan, Montgomery, Moren, Powell of Tuscaloosa, Sykes, Winston, and Woodliff—17.

NAYS—Messrs. Barnes, Drake, Forney, Jackson of Lauderdale, Jones, Kilpatrick, Lindsay, Norwood, Stansel, and Wood—10.

The bill was ordered to a third reading.

Message from the House by Mr. Fowler :

*Mr. President :*

The House of Representatives concurs in the following

amendments of the Senate to the House bill to establish Revenue laws of the State of Alabama :

1st. To strike out the paragraph embraced in lines 29 and 30 of section 1 ;

2d. To strike out the words "without distinction of color," in line 5 of section 2 ;

3d. To insert the words "and names" after the word number, in top line of 2d page in section 2 ;

4th. To strike out paragraph 12, section 2.

The House refuses to concur in amendment to strike out paragraph 15 of section 2 ;

Also, to strike out paragraph 16 of section 2 ;

Has also amended the Senate amendment to add proviso to section 4, paragraph 1, and as amended refuses to concur in the same ;

Also, concurs in the amendment to add paragraph 14, 15 and 16 to section 4 ;

Also, in the amendment to strike out section 12 to the word "section" in 6th line, and insert as proposed ;

Also, concurs in the proviso to the 12th section.

The House has amended the substitute for section 77, by striking out "two," and inserting "one," and as amended adopted the substitute.

The House also concurs in the amendment by additional sections, as sections 109 and 110.

The Senate proceeded to consider the message from the House.

The Senate insisted in its amendments to section 2, by additional paragraphs, as paragraphs 15 and 16, and to section 4, by paragraph 1.

The House amendment to section 77, as substitute by the Senate, was concurred in.

The House bills—

To amend the 1st and 3d sections of an act to incorporate the town of Clayton, Barbour county, approved December 21, 1841 ;

To extend an act to provide a more efficient remedy in cases of unlawful detainer in the city of Mobile, approved March 3, 1848, to the county of Mobile ;

To re-enact section 3536 of the Code, which provides that no entry of indictments upon the minutes shall be made at the first term ;

To legalize the marriage of J. W. Carter and Martha L. Chapman, of Madison county ;

To exempt from levy and sale two hundred pounds of lint cotton for the use of every family ;

To define the jurisdiction of Judges of Probate in certain cases ;

To authorize Wm. O. Sharpe, of the county of Chambers, to sell a certain tract of land ;

To make Eliza Walton, of Wilcox county, a free dealer ;

Regulating the sale of vinous or spirituous liquors, in the town of Haw Ridge, in Dale county ;

To incorporate Liberty Church, in Cherokee county ;

To authorize the commissioners court of Perry county to furnish the sheriff of said county with books and stationery ;

Were severally read three times, under a suspension of the constitution rule, and passed.

The House joint memorial—

To the President of the United States in behalf of Josiah M. Daniel, late Sheriff of Cherokee county,

Was read three times forthwith and passed.

The House bill—

To provide for the rendition of orders, decrees and settlements and other proceedings in the probate court, in cases where the probate judge is incompetent to preside,

Was read twice, under a suspension of the constitutional rule, and ordered to a third reading.

The House bills—

To amend and extend an act to change and modify section 2705 of the Code, in relation to the lien on steamboats, approved, February 15, 1855 ;

To encourage immigration ;

To amend sections 2865 and 2867 of the Code ;

To authorize Registers in Chancery to appoint receivers ;

To repeal an act to amend section 1143 of the Code, as to overseers of roads ;

To authorize writs of garnishment against incorporated cities, towns and villages ;

To define and regulate the liability of common carriers ;

To require the Attorney General to proceed against certain persons, and the Governor to take steps to recover property belonging to the State,

Were severally read twice, under a suspension of the constitutional rule, and referred to the Judiciary Committee.

The House bill, for the relief of Susan Wilson, was read twice under a suspension of the constitutional rule, and referred to the Committee on Propositions and Grievances.

The House bills, for the relief of maimed indigent persons in the State of Alabama;

To authorize the Governor to sell the Alabama arsenal building in the city of Tuscaloosa,

Were severally read twice under a suspension of the constitutional rule, and referred to the Committee on Finance and Taxation.

The House bill, to amend sec. 3570, of the Code, so as to prevent the receipt of certificates of State witnesses in payment of fines and forfeitures, was read twice and laid on the table.

The House bill, to incorporate the Decatur and Pittsburg Petroleum and Mining Company;

Was read twice, under a suspension of the constitutional rule, and referred to the Committee on Corporations.

Message from the House by Mr. Fowler.

*Mr. President:*

The House insists on its refusal to concur in the Senate amendments to the House bill,

To establish revenue laws for the State of Alabama, and asks for a committee of conference between the two Houses on the matters of disagreement, and has appointed Messrs. Clarke of Mobile, Gibson, Whitfield, Warren and Reese, the committee on the part of the House.

The Senate agreed to the appointment of the Committee of Conference upon the matters of disagreement upon the above bill, and Messrs. Garrett, Moren and Huckabee, were appointed the committee on the part of the Senate.

The Senate proceeded to consider the special order, it being the bill,

To alter and amend an act to loan and appropriate the three per cent. fund and its interest, approved Feb. 18, 1850.

The question pending being on the adoption of the substitute offered by Mr. Cooper,

Mr. Sykes moved to lay the substitute on the table; which was lost.

Yeas 10, nays 17.

YEAS—Messrs. President, Ashley, Denson, Edwards, Felder, Jackson of Lauderdale, Jackson of Morgan, Lindsay and Norwood—10.

NAYS—Messrs. Burnes, Ball, Cooper, Drake, Gage, Garrett, Huckabee, Jones, Kilpatrick, Montgomery, Moren, Powell of Tuscaloosa, Stunsel, Winston, Wood and Woodliff—17.

The substitute offered by Mr. Cooper, was adopted in lieu of

the substitute reported by the Committee on Internal Improvements.

Mr. Lindsay moved to amend as follows :

*“Provided, Said companies pay to the Mountain R. R. Constructing company, all future interest promptly as stipulated in their bonds, but upon failure to pay said interest for thirty days from the date it is due, then, and in that event, the said Mountain Railroad Constructing company shall be entitled to receive of the State Treasurer said bonds by giving to the Governor the bonds of the company, with good and sufficient security, approved by the Governor, as provided in the act of 18th February, 1860”*;

Mr. Cooper moved to lay the amendment on the table ;

Which was carried.

Yeas 16, nays 10.

YEAS—Messrs. Barnes, Bell, Cooper, Drake, Forney, Gage, Garrett, Huckabee, Jones, Kilpatrick, Montgomery, Moren, Powell of Tuscaloosa, Stansel, Winston, Wood and Woodliff—16.

NAYS—Messrs. President, Ashley, Deason, Edwards, Felder, Jackson of Lauderdale, Jackson of Morgan, Lindsay, Norwood, and Sykes—10.

The substitute as amended, was adopted.

Mr. Felder moved to amend as follows :

*“Provided, Said roads shall pay their semi-annual interest regularly as it becomes due at the Treasury of the State, if not then, the whole debt and interest shall be due and payable”*;

Which was lost. Yeas 9; Nays 18.

YAES—Messrs. Ashley, Deason, Edwards, Felder, Jackson of Lauderdale, Jackson of Morgan, Lindsay, Norwood, and Sykes—9.

NAYS—Messrs. President, Barnes, Bell, Cooper, Drake, Forney, Foster, Gage, Garrett, Huckabee, Jones, Kilpatrick, Montgomery, Moren, Powell of Tuscaloosa, Stansel, Winston, Wood, and Woodliff—18.

Mr. Barnes moved to amend the first section, by adding the following :

*“Except as to interest, and that this extension is made without interest on said loan, for five years from the date of this act”*;

Which was lost.

Yeas 13, nays 14.

YEAS—Messrs. Barnes, Cooper, Forney, Foster, Gage, Huckabee, Jones, Kilpatrick, Moren, Powell of Tuscaloosa, Stansel, Winston, and Woodliff—13.

NAYS—Messrs. President, Ashley, Bell, Deason, Drake, Edwards, Felder, Garrett, Jackson of Lauderdale, Jackson of Morgan, Lindsay, Montgomery, Norwood and Sykes—14.

The constitutional rule was suspended, and the bill read a third time and passed.

Yeas 17, nays 10.

YEAS—Messrs. President, Barnes, Bell, Cooper, Drake, Forney, Gage, Garrett, Huckabee, Jones, Kilpatrick, Moren, Powell of Tuscaloosa, Stansel, Winston, Wood, and Woodliff—17.

NAYS—Messrs. Ashley, Deason, Edwards, Felder, Jackson of Lauderdale, Jackson of Morgan, Lindsay, Montgomery, Norwood, and Sykes—10.

The title of the bill was amended so as to read as follows :

“To extend the indebtedness of the Railroads in this State, incurred under the provisions of an act to loan and appropriate the three per cent and its interest,” approved February 18, 1860, and all other acts amendatory thereof.

On motion by Mr. Powell, of Tuscaloosa, the Senate adjourned until to-morrow morning, 10 o'clock.

SATURDAY, February 17.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Jordan.

The following bills were introduced by—

Mr. Moren, a bill to appropriate \$118 00 to C. A. Spangenburg ;

Which was read twice, under a suspension of the constitutional rule, and referred to the Committee on Accounts and Claims.

Mr. Cooper, a bill to amend section 1942 of the Code, so as to prohibit marriages between first cousins;

Which was read twice, under a suspension of the constitutional rule.

Mr. Drake moved to lay the bill on the table, which was lost. Yeas 13, nays 13.

YEAS—Messrs. President, Deason, Drake, Felder, Jackson of Lauderdale, Jackson of Morgan, Jones, Montgomery, Norwood, Powell of Tuscaloosa, Stansel, Sykes, and Wood—13.

NAYS—Messrs. Barnes, Bell, Cooper, Edwards, Forney, Foster, Gage, Garrett, Huckabee, Kilpatrick, Moren, Winston, and Woodliff—13.

And the bill was referred to the Judiciary Committee.

Mr. Cooper, a bill to authorize the purchase of 75 copies of



“ A Compilation of the Chancery Rules, by George P. Keyes,”

Which was read twice, under a suspension of the constitutional rule.

Mr. Garrett moved to lay the bill on the table, which was lost; and the bill was referred to the Committee on Finance and Taxation.

Mr. Felder, a bill to amend the 8th section of an act to charter the Alabama Insurance Company, approved 8th February, 1856.

Mr. Huckabee, a bill to authorize the commissioners' court of Marengo county to levy a special tax to build bridges and to issue county treasury notes for that purpose ;

Also, a bill to prevent the sale of spirituous liquors within five miles of Mount Zion Church, at Spring Hill ; Macon Depot, Faunsdale Depot, and Picken's Old Mill, in Marengo county ;

Mr. Barnes, a bill to incorporate the Tallapoosa Water Power and Manufacturing Company ;

Also, a bill to incorporate the Coosa Valley Oil and Mining Company ;

Which were severally read three times, under a suspension of the constitutional rule, and passed.

Mr. Gage, a bill to incorporate the Gulf City Mutual Insurance Company of Mobile ;

Mr. Cooper, a bill to incorporate the Central Insurance Company ;

Which was read twice, under a suspension of the constitutional rule, and referred to the Committee on Corporations.

Mr. Jones, from the Committee on Enrolled Bills, reported the following as correctly enrolled :

To amend the charter of the City of Montgomery to extend certain bonds due by the city for building State House ;

To authorize the probate court of Calhoun county to grant an order to the executors of the estate of Peter Black, deceased, to sell at private sale uncurrent bank notes ;

To authorize the commissioners court of Pike county to issue treasury notes to pay for building bridges, enlarging and repairing the court house and jail, and for other county purposes ;

To provide blank books for records in certain cases ;

To authorize the commissioners court of Marshall county to issue treasury notes, for the purpose of building a court house and jail.

Message from the House by Mr. Fowler :

*Mr. President :*

The House concurs in the Senate amendments to the House bills—

To assume and provide for the payment of the tax on real estate imposed by act of Congress of the 5th August, 1866 ;

To extend the indebtedness of the Montgomery and Eufaula Railroad Company ;

To furnish certain volumes of the Supreme Court Reports for Coffee, Walker and Winston counties.

The House has passed the following Senate bills :

To amend section 1961 of the Code, in relation to divorce and Alimony ;

For the relief of Pyramus C. Winn, of Perry county, and to permit him to marry ;

To obviate technical objections to venire in the trial of capital offences ;

To revive and continue in force an act approved December 12th, 1849, entitled an act to change the name of the Coosa Manufacturing Company to the Bradford Manufacturing Company, and for other purposes ;

To incorporate the Medical College, at Greenville, Ala. ;

To incorporate the Pleasant Grove Methodist Episcopal Church, South, in Coosa county, and restrict the sale of ardent spirits within one-half mile of the same ;

To give the probate court of Wilcox county jurisdiction of the estate of David H. Packer, deceased ;

To repeal articles II and III, of chapter 4, title 13, part 1st of the Code, and sections 3287 and 3289 ;

To repeal an act to authorize Seth Love and Wm. Welborn to erect a wharf on the Chattahoochee river, in the town of Irvinton, in Barbour county, approved January 1, 1841 ;

To repeal 917 of the Code, relative to pilotage and all other acts amendatory thereof, and to increase the pay of pilots in the bay or harbor of Mobile ;

For the relief of Henderson Shoof ;

To amend the 1st section of an act incorporating the town of Bluffton, in Chambers county ;

To authorize the commissioners' court of Macon county to issue treasury notes for certain county purposes ;

To change the location or place of business of the Woodville Insurance Company ;

For the relief of Daniel A. Long, of Talladega ;

To confer power on the city council of Montgomery for safe-keeping and punishment of offenders ;

To incorporate the Tallassahatchee Lead Mining Company of Calhoun county ;

To declare Eliza Webb, wife of Conrad Webb, of Montgomery, a free dealer ;

To declare Centre Bogue Creek, in Washington county, from its mouth to Donaldson's bridge, a public highway ;

To release the right of the State to escheat the estate of Harriet Stokes, deceased, late of Madison county, in favor of Worly White.

The House has amended, as therein shown, and passed the Senate bills—

To restrict taxation in the town of Greenville ;

To incorporate the town of Lowndesboro, in Lowndes Co. ;

To authorize the court of county commissioners of Lowndes county to borrow money and levy a special tax for repayment thereof.

The House concurs in the Senate resolution fixing the time of adjournment *sine die* on Friday, the 23d instant, at twelve o'clock m.

Mr. Stansel, from the Committee on Corporations, reported adversely to the bill to incorporate the Planters' Aid Association of Alabama.

The report was concurred in.

Mr. Jackson, of Morgan, from the Committee on Corporations, reported favorably to the House bill to incorporate the Decatur and Pittsburg Petroleum and Mining Company ;

The bill was read a third time, under a suspension of the constitutional rule, and passed.

The Senate receded from its amendment to the House bill

For the regulation of the chartered banks of this State.

The Senate concurred in the amendments of the House to the following bills:

To authorize the court of county commissioners of Lowndes county to borrow money, and levy a special tax for repayment thereof ;

To incorporate the town of Lowndesboro', in Lowndes county, and to amend the charter of the town of Hayneville ;

To restrict taxation in the town of Greenville,

For the relief of the administration of John Geron.

The House bill, to provide for the preparation of a revised Code of the Statute Laws of a general and public nature ;

Was read twice, under a suspension of the constitutional rule, and referred to the Judiciary Committee.

The House bill, to authorize the Commissioner's Courts of Autauga and Pickens counties, to issue treasury notes for purposes therein named ;

Was read twice, under a suspension of the constitutional rule, and ordered to a third reading.

The House bill, to regulate the jurisdiction of criminal offences occurring upon the bay of Mobile and the parts adjacent thereto,

Was read three times, under a suspension of the constitutional rule, and passed.

The House bill, to prohibit the sale of spirituous liquors in or about the State Capitol, or on or about the Capitol grounds,

Was read a third time, and on motion by Mr. Lindsay, was postponed until 10 minutes before 10 o'clock, on Friday next.

The House bill, to provide for the rendition of orders, decrees and settlements, and other proceedings in the probate court, in cases where the Probate Judge is incompetent to preside ;

Was read a third time, and laid on the table.

The Senate proceeded to consider the special order, it being the bill,

To authorize the Governor to lease the penitentiary ;

Being on its second reading, on motion by Mr. Sykes, its further consideration was postponed until Tuesday next.

Mr. Lindsay, from the Committee of Conference of the two Houses, on the matters of disagreement upon the bill,

To regulate Judicial Proceedings, reported the following amendments, as agreed upon by the committee :

1. Strike out the 1st section of the Senate bill, and insert the 1st section of the substitute adopted by the House ;

2. Strike out "quarterly," in the 6th section, and insert "semi-annually ;"

3. Strike out the 7th section, and insert in lieu thereof the following :

*Be it further enacted*, That the provisions of this act shall not apply to proceedings in the courts of admiralty, nor to any action in detinue, or forcible entry and detainer, or unlawful detainer.

4. Add the 8th section of the substitute of the House as the 8th section, and making No. 8 section 9.

R. B. LINDSAY,

Chairman Senate Committee.

JOHN F. TOMPKINS,

Chairman House Committee.

The report was concurred in.

Yeas 17, nays 7.

YEAS—Messrs. Barnes, Bell, Cooper, Drake, Edwards, Forney, Foster, Jackson of Lauderdale, Jackson of Morgan, Jones,

Lindsey, Norwood, Stansel, Sykes, Winston, Wood and Woodhiff—17.

NAYS—Messrs. President, Ashley, Felder, Kilpatrick, Montgomery, Moren, and Powell, of Tuscaloosa—7.

The Senate proceeded to consider the motion to reconsider the vote passing the House bill,

To continue the collection of the records of Alabama soldiers in the late war.

On motion by Mr. Sykes, its further consideration was postponed until Monday next.

Mr. Garrett offered the following resolution :

*Resolved*, That the Senate confirm the nomination of Warden and Inspector of the Penitentiary made by the Governor and submitted to the Senate for ratification, subject to the contingency of leasing the Penitentiary.

The consideration of the resolution was postponed until Tuesday next.

The Senate then adjourned until Monday morning 10 o'clock.

MONDAY, February 19.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Jordan.

The following bills were introduced by—

Mr. Moren, a bill for the relief of Mrs. Rebecca Carson, of Bibb county ;

Mr. Barnes, a bill to incorporate the Tallapoosa Insurance Company ;

Mr. Garrett, a bill to authorize the destruction of Confederate and State treasury notes and change bills in the State treasury ;

Mr. Felder, a bill to incorporate the Wills Valley Leather Company ;

Mr. Drake, a bill to authorize appeals from the probate court ;

Mr. Huckabee, a bill to provide for the collection and settlement of balances due the State ;

Mr. Gage, a bill to declare Rosina Bock, of Mobile county, a free dealer ;

Which were severally read three times, under a suspension of the constitutional rule, and passed.

Mr. Gage, a bill to authorize courts of county commissioners to levy taxes upon dogs ;

Which was read twice, under a suspension of the constitutional rule.

Mr. Lindsay moved to amend the bill so as to confine its operations to Mobile county ;

Which was adopted.

Mr. Montgomery moved to insert the county of "Talladega";

Which was adopted. And the bill was read a third time, under a suspension of the constitutional rule, and passed.

On motion by Mr. Powell, of Tuscaloosa,

*Resolved*, That the Committee on the Military be instructed to report a bill making appropriations to pay the militia in actual service.

Mr. Garrett, from the Committee on Finance and Taxation, reported favorably to the House bill

To authorize the Governor to sell the Alabama State Arsenal building in the city of Tuscaloosa.

Mr. Barnes, from the Judiciary Committee, reported favorably to the House bill

To incorporate the town of Tuskegee.

Mr. Winston, from the Committee on Propositions and Grievances, reported favorably to the House bill for the relief of Susan Wilson.

Mr. Sykes, from the Committee on Banks and Banking, reported favorably to the House bill

To authorize the commissioners of Revenue of Mobile county to make equitable settlements in certain cases ;

Which were severally read a third time, under a suspension of the constitutional rule, and passed.

Mr. Garrett, from the Committee on Finance and Taxation, reported a substitute for the House bill to equalize certain salaries.

The substitute was adopted, and the bill read a third time, under a suspension of the constitutional rule, and passed.

Mr. Foster, from the Committee on Accounts and Claims, reported favorably to the bill

To appropriate \$114 60-100 dollars to C. A. Spangenburg ;

Which was concurred in.

Mr. Garrett, from the Committee of Conference upon the House bill to establish Revenue laws for this State, reported that the committee recommend the following, and that the two houses concur therein, to-wit :

1st. That the House recede from its disagreement to the amendment of the Senate striking out 15th paragraph of section 2.

For the 16th paragraph, a substitute as follows: On all acts of incorporations granted by the General Assembly, other than acts incorporating cities or towns, an *ad valorem* tax of one-

tenth of one per cent. on the estimated value of the interest involved or capital authorized as a bonus, to be due and payable to the tax collector of the county in which the office of such corporation may be located, whenever any such corporation shall commence actual operations, and this shall include all such acts passed by the present General Assembly.

3d. That the Senate concur in the amendment of the Senate, as a proviso to paragraph 1, section 4, as amended by the House, and that the Senate agree to said amendment.

All of which is respectfully submitted.

W. GARRETT,  
E. H. MOREN,  
C. C. HUCKABEE,

*Managers on the part of the Senate.*

T. B. CLARKE,  
H. L. WHITFIELD,  
J. T. REESE,  
A. M. GIBSON,  
H. M. WARREN,

*Managers on the part of the H. of Reps.*

The report was concurred in.

Mr. Garrett introduced a bill, to appropriate a sum of money to pay for house rent for the Governor;

Which was read three times, under a suspension of the constitutional rule, and lost.

Yeas 13, nays 13.

YEAS—Messrs. President, Cooper, Deason, Felder, Forney, Gage, Garrett, Huckabee, Jones, Kilpatrick, Montgomery, Sykes, and Wood—13.

NAYS—Messrs. Ashley, Bell, Drake, Edwards, Foster, Jackson of Lauderdale, Jackson of Morgan, Lindsay, Moren, Norwood, Powell of Tuscaloosa, Stansel, and Wood—13.

Mr. Cooper introduced a bill to authorize McClung & Jacques to institute a suit against the State;

Which was read twice, under a suspension of the constitutional rule.

On motion by Mr. Moren, its further consideration was postponed until five minutes before 12 o'clock on Friday next.

Yeas 15, nays 11.

YEAS—Messrs. Bell, Edwards, Gage, Garrett, Huckabee, Jackson of Morgan, Jones, Lindsay, Montgomery, Moren, Powell of Tuscaloosa, Stansel, Sykes, Wood and Woodliff—15.

NAYS—Messrs. President, Ashley, Cooper, Deason, Drake,

Forney, Foster, Jackson of Lauderdale, Kilpatrick, Norwood, and Winston—11.

Mr. Gage moved to reconsider the vote postponing the consideration of the House bill,

To prohibit the sale of spirituous liquors in or about the State Capitol, or on or about the Capitol Grounds until 10 minutes before 12 o'clock on Friday next ;

Which was lost.

Yeas 11, Nays 15.

YEAS—Messrs. Ashley, Bell, Edwards, Foster, Garrett, Hucksabee, Montgomery, Moren, Powell of Tuscaloosa, Sykes, and Woodliff—11.

NAYS—Messrs. Barnes, Cooper, Deason, Drake, Felder, Forney, Gage, Jackson of Lauderdale, Jones, Kilpatrick, Lindsay, Norwood, Stansel, Winston and Wood—15.

The Senate proceeded to consider the motion by Mr. Garrett, to reconsider the vote passing the bill—

To continue the collection of the Records of Alabama soldiers in the late war ;

Which carried.

Mr. Garrett, also, moved to reconsider the vote ordering the bill to a third reading ;

Which carried.

Mr. Garrett moved to amend by substitute ;

Which was adopted.

Mr. Kilpatrick moved to amend the 3d section by inserting the following words, "and such travelling expenses as the Governor may specially direct ;"

Which was adopted,

And the bill read a third time, under a suspension of the constitutional rule, and passed.

Mr. Garrett, from the Committee on Finance and Taxation, reported a substitute for the bill—

To relieve the people of the State from the payment of certain taxes ;

Which was adopted,

And the bill read a third time, under a suspension of the constitutional rule, and passed.

Mr. Felder, from the Committee on Federal Relations, reported a substitute for the House joint resolutions—

Praying for the release of Jefferson Davis, and others ;

Which was adopted,

And the resolutions were read a third time forthwith, and adopted.



The Senate concurred in the amendments of the House to the bills—

To define the relative duties of master and apprentice ;

To legalize the issue of change bills put in circulation as money by the mayor, aldermen and common council of the city of Mobile.

On motion, by Mr. Felder,

The House bill—

To amend 3570 of the Code, so as to prevent the receipt of certificates of State witnesses, in payment of fines and forfeitures,

Was taken from the table, and the bill was ordered to a third reading.

Mr. Jones, from the Committee on Enrolled Bills, reported the following as correctly enrolled:

To incorporate the Tallasahatchee Lead Mining Company, of Calhoun county ;

To revive and continue in force an act to change the name of the Coosa Manufacturing Company to the Bradford Manufacturing Company, and for other purposes, approved December 12, 1849 ;

To give the Probate Court of Wilcox county jurisdiction of the estate of David H. Packer, deceased ;

To amend the 1st clause of section 611 of the Code, so as to extend the civil jurisdiction of justices of the peace to one hundred dollars ;

To authorize the court of county commissioners of Lowndes county to borrow money, and levy a special tax for repayment thereof ;

To obviate technical objections to the venire in the trial of capital offences ;

To restrict taxation in the town of Greenville ;

To amend the 1st section of an act to incorporate the town of Bluffton, in Chambers county ;

To authorize the county of Macon to issue treasury notes for certain county purposes ;

To declare Centre Bogue Creek, in Washington county, from its mouth to Donaldson's bridge, a public highway ;

To declare Eliza Webb, wife of Conrad Webb, a free dealer ;

For the relief of Daniel A. Long, of Talladega ;

For the relief of Henderson Shoof ;

To incorporate the Medical College at Greenville ;

To repeal section 917 of the Code, relative to pilotage, and to increase the pay of pilots in the bay or harbor of Mobile ;

To release the right of the State to escheat in the estate of

Harriet Stokes, deceased, late of Madison county, in favor of Worley White;

To amend section 1961 of the Code, in relation to divorce and alimony;

To repeal "an act to empower the probate court of Madison county to take jurisdiction of the estate of Jehu Geron," approved January 18, 1866;

To confer power on the city council of Montgomery for safe-keeping and punishment of offenders;

To regulate judicial proceedings.

Message from the House of Representatives by Mr. Fowler:

*Mr. President:*

The House concurs in the report of the Committee of Conference on the matters of disagreement between the two houses to the bill

To establish Revenue laws for the State of Alabama.

The House concurs in the Senate amendment to the House bill to define the jurisdiction of judges of probate in certain cases.

The House has originated and passed a bill to establish a Penal Code for the State of Alabama, which with the said code is herewith transmitted to the Senate.

Message from the Governor by his private Secretary Mr. Dixon:

*Mr. President:*

His Excellency the Governor has approved a bill which originated in the Senate,

To incorporate the Rock and Lignite Oil Company of Alabama.

The House bill to establish a Penal Code for the State of Alabama;

Was read twice, under a suspension of the constitutional rule, and pending its consideration, the Senate adjourned until to-morrow morning, 10 o'clock.

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TUESDAY, February 20.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Jordan.

Upon the call of the districts, the following bills were introduced:

Mr. Gage, a bill to amend the statute of limitations, and for other purposes ;

Which was read twice, under a suspension of the constitutional rule, and referred to the Committee on the Judiciary.

Mr. Barnes, a bill to incorporate the Tallapoosa Savings Association ;

Mr. Montgomery, a bill to incorporate the Talladega Petroleum and Mining Company ;

Also a bill to authorize B. W. Groce, of Greene county, to sell certain trust lands in the county of Talladega ;

Mr. Powell, of Tuscaloosa, a bill for the relief of Andrew J. Weed, of Tuscaloosa county ;

Mr. Lindsay, a bill to amend section 169 of the Code ;

Mr. Sykes a bill to authorize judges of probate to approve the bonds of registers in chancery ;

All of which were severally read three times, under a suspension of the constitutional rule, and passed.

Mr. Felder presented the vouchers of John Callahan, for artificial limbs furnished to maimed soldiers of the late Confederate army ;

Which was referred to the Committee on Accounts and Claims.

On motion by Mr. Lindsay,

*Resolved*, That after the hour of 11 o'clock, to-morrow, no new bills shall be introduced into the Senate, unless by a vote of two-thirds of the members present.

A message from the House of Representatives, by Mr. Fowler :

*Mr. President :*

The House of Representatives has passed the following Senate bills :

To declare Elizabeth Harriss, wife of Matthew Harriss, of Chambers county, a free dealer ;

To incorporate the Union Springs Association ;

To enlarge the powers of the town council of Cahaba ;

To authorize administrators, executors, guardians and trustees to compromise ;

To relieve the people of the State from the payment of certain taxes ;

To incorporate the Tallapoosa Water Power and Manufacturing Company ;

For the relief of W. S. Barton ;

To change the mode of appointing trustees of the State University ;

To prevent the sale of liquors within 5 miles of Mount Ziou Church, at Spring Hill, Macon Depot, Faundsdaie Depot, and Picken's Old Mill, in Marengo county ;

In relation to the real estate of John McCrary ;

To authorize the court of county commissioners of Macon county to levy a special tax to build and repair bridges, or to issue county treasury notes for that purpose ;

To amend the 8th section of an act to charter the Alabama Insurance Company, approved 8th February, 1856 ;

To declare Rosina Beck, of Mobile, a free dealer ;

To authorize the renting of the lands of Charles Mitchell, a minor, by private contract ;

To incorporate the Coosa Valley Oil and Mining Company ;

To authorize appeals from the probate court ;

To provide for the collection and settlement of balances due the State ;

To incorporate the Coosa Petroleum and Mining Company ;

To authorize the Governor to have the Capitol building covered or refitted.

The House has adopted the Senate joint memorial of the General Assembly to the Congress of the United States ;

The House has rejected the Senate bill,

To prevent trespasses.

The House has amended as therein shown and passed the Senate bills,

To extend the indebtedness of the railroad companies of this State, incurred under the provisions of an act to loan and appropriate the 3 per cent. fund and its interest, approved February 18, 1860, or any act amendatory thereof ;

To authorize the courts of county commissioners of Mobile and Talladega counties to levy a tax on dogs.

The House concurs in the Senate substitute for the House bills,

To continue the collection of the records of Alabama soldiers in the late war.

The House has originated and passed the following bills :

To define the duties and fix the liability of express companies, and imposing penalties ;

To exempt certain property from levy and sale for the use of every family in the counties of Jackson, Marshall, Madison, Morgan, Limestone, Lauderdale, Lawrence, Franklin, and DeKalb ;

To declare Elizabeth Hoodley and Mary Ann Crowder free dealers ;

To incorporate the Alabama, Tennessee and North-western Oil and Mining Company ;

To authorize the guardians of Sallie Ann and Drury Fair Jones to lease and repair the real estate of said minors;

For the relief of the court of county commissioners of Macon county ;

For the relief of P. G. Nash, general administrator of Sumter county;

For the relief of the Fire Department of Mobile ;

To increase the pay of Commissioners of Roads and Revenue and jurors for the county of Covington ;

For the relief of Elizabeth Morris ;

To define the powers of Justices of the Peace in the counties of Dallas, Pickens, and other counties.

The House has amended the amendment of the Senate to the House bill—

To equalize certain salaries, and concurs in said amendment as amended.

The House has originated and passed a bill---

To authorize the Comptroller of Public Accounts to draw his warrant on the Treasurer, in favor of the several Probate Judges, for administering, transcribing and filing amnesty oaths;

To exempt from taxation the property of the poor of this State.

The Senate concurred in the amendments of the House to the Senate bill---

To extend the indebtedness of the Rail Road Companies of this State, incurred under the provisions of an act to loan and appropriate the 3 per cent. fund, and its interest, approved February 18th, 1860, and all acts amendatory thereof.

Mr. Gage moved to reconsider the vote refusing to pass the bill---

To appropriate a sum of money to pay for House rent for the Governor of this State;

Which carried;

And the bill was read a third time, and passed.

Mr. Kilpatrick, from the Judiciary Committee, reported adversely to the House bill--

To allow Judges of Probate to license disabled soldiers to peddle without license, as a bill had already passed both Houses of the General Assembly, containing the same provisions of the bill referred to.

Mr. Forney, from the same committee, reported adversely to the House bill—

To encourage Immigration :

Also, adversely to the bill---

Concerning the final record in cases in the Supreme Court ;  
Mr. Cooper, from the same committee, reported adversely to the House bill---

To amend sections 2865 and 2867, of the Code ;

Also, adversely to the House bill---

To define and regulate the liability of common carriers ;

Mr. Powell, of Tuscaloosa, from same committee, reported adversely to the House bill-

To provide for the preparation of a revised Code of the Statute laws of the State, of a general and public nature ;

Mr. Forney, from same committee, reported adversely to the bill---

To establish the city court of Demopolis ;

Mr. Lindsay, from same committee, reported adversely to the bill---

To repeal sections 872 to 895, inclusive, of the Code ;

Mr. Barnes, from same committee, reported adversely to the bill---

To amend the law of partnership ;

All of which were concurred in.

Mr. Powell, of Tuscaloosa, from same committee, reported adversely to the bill—

To amend section 1942 of the Code, so as to prohibit marriages between first cousins.

Mr. Garrett moved to lay the report on the table ;

Which was lost.

Mr. Sykes moved to lay the bill on the table ;

Which carried.

Yeas, 19 ; nays, 9.

YEAS—Messrs. President, Ashley, Bell, Boykin, Drake, Felder, Forney, Huckabee, Jackson of Lauderdale, Jackson of Morgan, Jones, Kilpatrick, Lindsay, Montgomery, Norwood, Powell of Tuscaloosa, Stansel, Sykes, and Wood—19.

NAYS—Messrs. Barnes, Cooper, Edwards, Foster, Garrett, Moren, Slaughter, Winston and Woodliff—9.

Mr. Kilpatrick, from the Judiciary Committee, reported favorably to the House bill—

To authorize registers in chancery to appoint receivers ;

Mr. Forney, from Committee on Corporations, reported favorably to the bill—

To incorporate the Central Insurance Company ;

Also, favorably to the House bill—

To amend and extend an act to change and modify section 2706 of the Code, in relation to the lien on steamboats, approved Feb. 15, 1855 ;

Mr. Jones, from same committee, reported favorably to the bill—

To increase the fees of magistrates and constables ;

Mr. Stansel, from the Committee on Corporations, reported favorably to the House bill—

To amend the 3d section of an act to incorporate the Union Express Company ;

Mr. Felder, from the Judiciary Committee, reported favorably to the House bill—

To authorize writs of garnishment against incorporated cities, towns and villages ;

Also, favorably to the House bill—

To repeal an act to amend section 1443 of the Code, as to overseers of roads ;

Mr. Stansel, from the Committee on Corporations, reported favorably to the bill—

To incorporate the Gulf City Mutual Insurance Company of Mobile ;

All of which were severally read a third time, under a suspension of the constitutional rule, and passed.

Mr. Stansel, from the Judiciary Committee, reported favorably to the House bill—

To require the Attorney General to proceed against certain persons, and the Governor to take steps to recover property belonging to the State.

Mr. Kilpatrick moved to lay the bill on the table ;

Which was lost ; yeas 8 ; nays 19.

YEAS—Messrs. Barnes, Drake, Foster, Jackson of Lauderdale, Kilpatrick, Lindsay, Norwood and Stansel—8.

NAYS—Messrs. President, Ashley, Bell, Cooper, Felder, Forney, Gage, Garrett, Huckabee, Jackson of Morgan, Montgomery, Noren, Powell of Tuscaloosa, Sykes, Winston, Wood, and Woodliff—19.

The bill was ordered to a third reading.

The Senate disagreed to the amendment of the House to the Senate substitute for the House bill—

To equalize certain salaries.

The House bill—

To authorize and require the Comptroller of Public Accounts to draw his warrant on the Treasurer in favor of the several probate judges for administering and filing amnesty oaths ;

Was read twice, under a suspension of the constitutional rule.

Mr. Cooper moved to amend by proviso, as follows :

Provided, That the payment of the amount to any Senator or Representative shall be a full and complete payment, and the judges shall be bound thereby, and have no claim upon the State for any amount so paid ;

Which was adopted,

And the bill was read a third time, under a suspension of the constitutional rule, and passed.

The House bill—

To exempt from taxation the property of the poor in this State,

Was read twice, under a suspension of the constitutional rule ;

And, on motion by Mr. Cooper,

Its further consideration was postponed until Friday next, 11 o'clock.

Mr. Stensel moved to reconsider the vote just taken ;

Which carried.

The question recurring on postponement, it was put and carried.

The House bills—

To declare Elizabeth Hoodley and Mary Ann Crowder, free dealers ;

To incorporate the Alabama, Tennessee and North-western Oil and Mining Company ;

To authorize the Guardians of Sallie Ann and Drury Fair Jones to lease and repair the real estate of said minors ;

Were severally read three times, under a suspension of the constitutional rule, and passed.

Message from the House by Mr. Fowler :

*Mr. President :*

The House insists on its amendment to the Senate substitute for the House bill—

To equalize certain salaries ;

And asks for a Committee of Conference on the matters of disagreement between the two Houses.

The Senate receded from its disagreement to the House amendment to the Senate substitute for the House bill to equalize certain salaries.

The House bill to exempt certain property from levy and sale for the use of every family in the counties of Jackson, Marshall, Madison, Limestone, Lauderdale, Lawrence, Franklin and DeKalb ;



Was read twice, under a suspension of the constitutional rule.

Mr. Cooper moved to amend by adding to section 1, as follows: "except such as may be issued for the collection of taxes."

The vote just taken was reconsidered, and the amendment was adopted.

Yeas 17; nays 10.

YEAS—Messrs. President, Ashley, Bell, Cooper, Felder, Forney, Foster, Gage, Garrett, Jones, Kilpatrick, Montgomery, Moren, Powell of Macon, Powell of Tuscaloosa, Wood and Woodliff—17.

NAYS—Messrs. Barnes, Boykin, Drake, Edwards, Lindsay, Norwood, Slaughter, Stansel, Sykes and Winston—10.

Mr. Montgomery moved to amend by inserting the counties mentioned in the bill in section 1, after the words "exempt by law";

Which was lost.

The bill was read a third time and lost.

Yeas 12; nays 15.

YEAS—Messrs. Barnes, Boykin, Cooper, Drake, Foster, Gage, Lindsay, Norwood, Slaughter, Sykes, Winston and Woodliff—12.

NAYS—Messrs. President, Ashley, Bell, Edwards, Felder, Forney, Garrett, Jackson of Lauderdale, Jackson of Morgan, Jones, Montgomery, Moren, Powell of Tuscaloosa, Stansel and Wood—15.

Mr. Slaughter introduced a bill to exempt persons from taxation whose taxable property does not exceed the sum of four hundred dollars;

Which was read twice, under a suspension of the constitutional rule.

Mr. Garrett moved to postpone indefinitely the consideration of the bill;

Which was lost. Yeas 11; nays 15.

YEAS—Messrs. President, Ashley, Barnes, Bell, Gage, Garrett, Montgomery, Moren, Powell of Tuscaloosa, and Sykes—10.

NAYS—Messrs. Boykin, Drake, Edwards, Felder, Forney, Foster, Jackson of Lauderdale, Jackson of Morgan, Lindsay, Norwood, Slaughter, Stansel, Wood and Woodliff—15.

Mr. Barnes moved to amend by striking out all to the words except poll tax", and insert "that four hundred dollars worth of property shall be exempt from taxation in favor of the taxpayer owning the said property, to that amount."

Mr. Felder moved to lay the amendment on the table ;

Which was lost. Yeas 10 ; nays 15.

YEAS—Messrs. Drake, Edwards, Felder, Garrett, Jackson of Morgan, Montgomery, Moren, Powell of Macon, Slaughter, and Woodliff---10.

NAYS---Messrs. President, Ashley, Barnes, Bell, Forney, Foster, Gage, Jones, Kilpatrick, Lindsay, Powell of Tuscaloosa, Stansel, Sykes, Winston, and Wood---15.

The amendment was adopted.

Mr. Garrett moved to amend by proviso, as follows :

*Provided*, This act shall only apply to the tax year 1866 :

Which was adopted.

Mr. Barnes moved to indefinitely postpone the consideration of the bill ;

Which carried.

Yeas, 15 ; nays, 12.

YEAS---Messrs. President, Ashley, Barnes, Bell, Drake, Gage, Garrett, Huckabee, Kilpatrick, Montgomery, Moren, Powell of Macon, Powell of Tuscaloosa, Stansel, Sykes, and Wood---15.

NAYS---Messrs. Edwards, Felder, Forney, Foster, Jackson of Lauderdale, Jackson of Morgan, Jones, Lindsay, Norwood, Slaughter, Winston, and Woodliff---12.

On motion by Mr. Stansel, leave of absence was granted the remainder of the session to Messrs. Deason, Boykin, and Jackson of Morgan.

The Senate then adjourned until this afternoon, 4 o'clock.

#### AFTERNOON SESSION.

The Senate met pursuant to adjournment.

Mr. Jones, from the Committee on Enrolled Bills, reported the following as correctly enrolled :

To extend the indebtedness of the R. R. Companies in this State, incurred under the provisions of an act to loan and appropriate the 3 per cent. fund, and its interest, approved February 18th, 1860, or any act amendatory thereof ;

To declare Elizabeth Hariss, wife of Matthew Hariss, of Chambers county, a free dealer ;

For the relief of W. S. Barton ;

To declare Rosina Beck, of Mobile county, a free dealer ;

To amend the 8th section of an act to charter the Alabama Insurance Company, approved February 8th, 1856 ;

To legalize the issue of change bills, put in circulation by the mayor, aldermen and common council of Mobile, Selma, and the Montgomery and West Point R. R. Company ;

To change the mode of appointing Trustees of the University of Alabama ;

To incorporate the town of Lowndesboro, and to amend the charter of the town of Hayneville ;

For the relief of Pyramus C. Winn, of Perry county ;

To change the location and place of business of the Woodville Insurance Company ;

To incorporate the Society in Mobile, called the "Fidelia" ;

To incorporate Pleasant Grove Methodist Episcopal Church South, in Coosa county ;

To define the relative duties of master and apprentice ;

To repeal articles II and III, of chapter 4, part 1, of the Code, and sections 3287 and 3289 ;

To extend the jurisdiction of the courts of chancery in the settlement of insolvent estates ;

To repeal an act to amend an act to authorize Seth Love and Wm. Welborn to erect a wharf on the Chattahoochee river, in the town of Irwinton, Barbour county, approved January 1, 1841 ;

To incorporate the Tallapoosa Water Power and Manufacturing Company ;

To provide for the collection and settlement of balances due the State ;

To authorize the Governor to have the capitol building recovered ;

To prevent the sale of spirituous liquors within five miles of Mount Zion Church, at Spring Hill, Macon Depot, Faunsdale Depot, and Pickens' Old Mill, in Marengo county.

Message from the Governor by his private Secretary Mr. Dalton :

*Mr. President :*

His Excellency the Governor has approved the following bills, which originated in the Senate.

To extend the indebtedness of the railroad companies in this State incurred under the provisions of an act to loan and appropriate the three per cent. fund and its interest, approved February 18, 1860, or any act amendatory thereof ;

Joint memorial of the General Assembly to the Congress of the United States ;

To regulate judicial proceedings ;

To give the probate court of Wilcox county jurisdiction of the estate of David H. Packer, deceased ;

For the relief of Madison B. Camp and Eliza J. Hatfield, of Calhoun county ;

To amend the 1st section of an act to incorporate the town of Bluffton, in Chambers county ;

For the relief of Henderson Shoof ;

To revive and continue in force an act to change the name of the Coosa Manufacturing Company to the Bradford Manufacturing Company, approved December 12, 1849 ;

To authorize the commissioners' court of Marshal county to issue treasury notes for the purpose of building a court house and jail ;

To provide blank books for records in certain cases ;

To declare Eliza Webb, wife of Conrad Webb, of Montgomery, a free dealer ;

To authorize the county of Macon to issue treasury notes for certain county purposes.

Mr. Garrett, from the joint Select Committee appointed to inquire, consider, and report upon the political condition of Alabama and her people, made the following report :

“When the cause for which the people of Alabama had endured sacrifices without parallel in history, was lost by the surrender of her heroic armies, the result was accepted as conclusive, although compelled by the verdict of the sword to abandon an institution which was so thoroughly interwoven with every thread of her social fabric, that it could not be suddenly torn asunder without leaving everywhere deep and painful wounds, the surrender has been made without a murmur ; Alabama turned once more to the Government against which she had been arrayed in arms, and in solemn convention obliterated from her records the Ordinance of Secession, and as far as in her power retraced her steps to the point of departure. Additional guarantees of sincerity were required at her hands, and the General Assembly responded to the call of the President of the United States by ratifying the constitutional amendment prohibiting slavery within her bounds forever, and by legislative enactment securing protection to the freedmen in all his personal rights, and opening the Courts of the State in his behalf.

Having thus cheerfully complied with all the conditions demanded as a pre-requisite for restoration to her rights as a State of the Union ; the people of Alabama waited anxiously, yet hopefully for the meeting of Congress and the admission of representatives. Prostrated and impoverished as she has been by the war, with her fields devastated, and her homes laid waste,

and with her relations to a large class of her population radically changed, the people came manfully to the duties of the hour, and with implicit reliance upon the magnanimity and good faith of the Northern people, and the General Government endeavored to adapt themselves as best they could, to their new condition, and were rapidly engaging in the pursuits of peace. But it became ere long painfully evident that unknown persons were busily employed disseminating reports prejudicial to the honor and welfare of our people.

These reports came back to us from the radical press of the North, from the Halls of Congress, and from private correspondents to Northern newspapers. A careful investigation has shown many of these reports to be utterly devoid of truth; others having a slender foundation of facts, have been exaggerated into monstrous propositions; while others, still unfortunately true, but no where condemned more thoroughly than by the communities in which they have occurred, and which might have taken place anywhere in the Northern States without attracting especial attention, have been seized and held forth as expressions of a general and dangerous public. Our people have submitted in silence to these cruel expressions, until silence has been interpreted as an acquiescence in their truth. The radicals in Congress repeat the foul charges from their places, and Alabama has no voice upon that floor, to be raised in tones of indignant rebuke upon the author of these atrocious calumnies. Instead of the sweet whispers of peace, for which she has so long listened in vain, she beholds new efforts to drag her more deeply through the valley of humiliation.

It is not surprising, then, that our people are becoming discouraged and disheartened at the prospect before them. They feel that they have fulfilled all the obligations resting upon them in entire good faith, and that their returning loyalty has met no magnanimous response. With full and unwavering confidence in the President of the United States, whose policy they have accepted in all its bearing upon themselves and have made their rule and guide for the future, they have feared that he might be borne down by the overwhelming flood of fanaticism, and their last hope of returning peace and prosperity be extinguished forever.

This fanaticism has been nourished by the slanders to which allusion has already been made, and which your committee has been directed to investigate. Information has been obtained from nearly every portion of the State, and the testimony is uniform as to the loyal and peaceful disposition of the people. A kindly sympathy is manifested by the whites, with few ex-

ceptions, towards the freedmen, and their new relations to each other are being gradually adjusted in a manner satisfactory to both. Contracts have been made for labor upon just and equitable terms, and the freedmen are generally at work. Nothing more is apparently now required for the restoration of law and order in our midst than the withdrawal of Federal bayonets from the State.

Believing, then, as your committee must from the evidence before them, that the falsehoods propagated in the North and in Congress, are the offspring of deliberate malice, and designed and calculated only for the basest political purposes, it remains for us, as the representatives of the people, to denounce the authors as wilful calumniators and slanderers, and to solemnly protest against their statements being received and accepted as the truth.

In conclusion, your committee feel this to be the proper occasion for a renewed expression of the sentiments which pervade the public heart, towards the President of the United States and his policy. The accompanying resolutions, similar in language and purport to those recently adopted by the Legislatures of the old Commonwealth of Virginia, are respectfully submitted with the recommendation, that they be adopted and that a copy be transmitted to his Excellency, President Johnson, with this report.

All of which is respectfully submitted.

W. GARRETT,  
Chairman of Senate Committee.  
JOSHUA MORSE,  
Chairman of House Committee.

Mr. Jackson moved to lay the joint resolutions and report on the table, which was lost. Yeas 2, nays 19.

YEAS—Messrs. Jackson of Lauderdale, and Kilpatrick—2.

NAYS—Messrs. President, Bell, Cooper, Edwards, Felder, Forney, Foster, Gage, Garrett, Huckabee, Jones. Lindsay, Montgomery, Moren, Powell of Macon, Powell of Tuscaloosa, Sykes, Winston, and Wood—19.

On motion by Mr. Forney, the further consideration of the report and joint resolutions was postponed and made the special order for to-morrow, 5 minutes past 10 o'clock.

Message from the House by Mr. Fowler :

*Mr. President :*

The House has originated and passed the following Senate bills :

To incorporate the Southern Commercial Association ;  
 Supplementary to an act to incorporate the Southern Travellers Insurance Company, approved December 15, 1865.

The Senate proceeded to consider the House bill,

To establish a Penal Code for the State of Alabama.

Mr. Felder moved to amend by adding at the end of section 1, the following : Except the last section of title 1, chapter 3, of public offences—definition and punishment of.

Mr. Lindsay moved to lay the amendment on the table ;

Which was lost.

Yeas 12 ; nays 13.

YEAS—Messrs. Ashley, Barnes, Bell, Cooper, Drake, Foster, Gage, Huckabee, Lindsay, Moren, Stansel and Wood—12.

NAYS—Messrs. President, Edwards, Felder, Forney, Garrett, Jackson of Lauderdale, Jones, Kilpatrick, Montgomery, Powell of Macon, Powell of Tuscaloosa, Sykes and Winston—13.

The amendment was lost.

Yeas 4 ; nays 21.

YEAS—Messrs. Felder, Jones, Powell of Tuscaloosa, and Sykes—4.

NAYS—Messrs. President, Ashley, Barnes, Bell, Cooper, Drake, Edwards, Forney, Foster, Gage, Garrett, Huckabee, Jackson of Lauderdale, Kilpatrick, Lindsay, Montgomery, Moren, Powell of Macon, Stansel, Winston and Wood—21.

On motion by Mr. Lindsay, the bill was referred to the Judiciary Committee.

On motion by Mr. Powell, of Tuscaloosa, the Senate adjourned until to-morrow morning, 10 o'clock.

SENATE, February 21.

Senate met pursuant to adjournment.

Prayer by Rev. Mr. Jordan.

Upon the call of the districts, the following bills were introduced.

Mr. Garrett, a bill in relation to reporting and publishing the proceedings of the General Assembly, and the captions of acts ;

Mr. Barnes, a bill to declare Exa M. Brown, wife of Henry M. Brown, of Chambers county, a free dealer ;

Mr. Felder, a bill to allow appeals by consent from interlocutory decrees on motions to dismiss bills for want of equity, and from interlocutory judgments or matters set up in abatement, or for the purpose of quashing or dismissing in attachment cases ;

Also, a bill to incorporate the Pioneer Petroleum and Mining Company ;

Mr. Moren, a bill to change the terms of the city court of Selma ;

Mr. Felder, a bill to allow Wm. T. Hatchett and Jared Bates to establish ferries across the Tallapoosa river ;

All of which were severally read three times, under a suspension of the constitutional rule, and passed.

Mr. Barnes, a bill to enable James T. Kelly & Co. to dispose of real estate in the city of Montgomery by raffling or otherwise by chance ;

Which was read three times, under a suspension of the constitutional rule, and lost.

Yeas 10 ; nays 13.

YEAS—Messrs. President, Bell, Cooper, Edwards, Felder, Huckabee, Jones, Kilpatrick, Montgomery, Powell of Macon, Slaughter, Sykes and Woodliff—13.

Mr. Drake, a bill to authorize the chancery court to adjudicate claims against the estates of deceased persons, and other estates held in trust ;

Which was read twice, under a suspension of the constitutional rule, and referred to the Committee on the Judiciary.

Message from the House by Mr. Fowler :

Requesting the Senate to return to the House a Senate bill to incorporate the Southern Commercial Convention.

The request was granted, and the bill returned to the House.

The Senate proceeded to consider the special order, it being a joint resolution of the General Assembly on the State of the Union ;

Which was read a third time, and adopted unanimously.

On motion by Mr. Edwards, the vote refusing to pass the bill to exempt from levy and sale certain property for the use of every family in the counties of Jackson, Marshall, Madison, Limestone, Franklin, DeKalb and Lawrence, was reconsidered, as also the vote ordering the bill to a third reading.

Mr. Winston moved to amend by inserting after the words "exempt by law," the names of the counties mentioned in the title of the bill.

The bill was read a third time, under a suspension of the constitutional rule, and passed.

Mr. Barnes, from the Judiciary Committee, reported favorably to the House bill



To establish a Penal Code for the State of Alabama, with sundry amendments thereto ;

Which were adopted, and the bill read a third time, under a suspension of the constitutional rule, and passed.

Yeas 14 ; nays 13.

YEAS—Messrs. Ashley, Bell, Cooper, Forney, Huckabee, Kilpatrick, Lindsay, Montgomery, Powell of Macon, Powell of Tuscaloosa, Slaughter, Stansel, Wood and Woodliff—14.

NAYS—Messrs. President, Barnes, Drake, Edwards, Felder, Foster, Jones, Moren, Norwood, Sykes and Winston—13.

Message from the House by Mr. Fowler :

*Mr. President :*

The House has amended as therein shown, and passed the Senate bills—

To fix the amount of printing to be done for the State and the compensation for the same ;

To amend the charter of the Memphis and Charleston Rail Road Company.

The House has passed the following Senate bills :

To encourage immigration and to protect immigrant labor ;

To authorize the Comptroller to settle with the Bank of Selma ;

To amend the 10th section of an act entitled an act to incorporate the Northern Bank of Alabama, approved 10th Feb., 1862, referring to directors ;

To repeal an act entitled an act to repeal an act to direct the binding of certain copies of the Acts of the General Assembly, approved Feb. 15th, 1854 ;

Requiring the Secretary of State to have printed certain acts therein named.

The House has originated and passed the following bills :

To make appropriations for the fiscal year ending on the 30th day of September, 1866 ;

To incorporate the Commercial Savings Company of Mobile ;

To incorporate the Mobile and Western Railroad Company ;

To incorporate the Mobile Medical Society ;

To amend an act to extend the charters of the banks of Alabama therein named ;

To legalize and authorize the further suspension of specie payments by the Bank of Selma ;

To provide for the location of the county site of the county of Conecuh ;

To arrest the spread of small pox ;

To relieve county superintendants and trustees of education ;

To authorize the court of county commissioners of Madison county to issue treasury notes, for certain purposes ;

To incorporate the Eutaw Savings Bank ;

To charter the National Savings Institution of Mobile.

The Committee on Enrolled Bills reported the following as correctly enrolled :

To authorize the court of county commissioners of Marengo county to levy a special tax to build and repair bridges in said county, or to issue treasury notes for that purpose ;

To authorize appeals from the Probate Court ;

To relieve the people of the State from the payment of certain taxes ;

To authorize the renting of the lands of Chas. Mitchell, a minor, by private contract ;

In relation to the real estate of John McCrary ;

To authorize executors, administrators, guardians and trustees, to compromise ;

To incorporate the Coosa Petroleum and Mining Company ;

To enlarge the powers of the Town Council of Cahaba ;

To incorporate the Union Savings Association ;

To authorize Judges of Probate to take and approve the bonds of Registers in Chancery ;

To encourage Immigration, and to protect immigrant labor.

Mr. Stansel, from the Judiciary Committee, reported favorably to the bill—

To amend the Statute of Limitation, and for other purposes ;

The bill was read a third time, under a suspension of the constitutional rule, and passed.

Mr. Forney, from the Committee on Corporations, reported a substitute for the bill—

To incorporate the Labor Regulating Association of Clarke county ;

Which was adopted ;

And the bill was read a third time, under a suspension of the constitutional rule, and passed.

The Senate concurred in the amendments of the House to the bills—

To fix the amount of printing to be done for the State, and the compensation for the same ;

To amend the charter of the Memphis and Charleston R. R. Company.

The Senate refused to concur in the amendment of the House to the bill—

To authorize the County Commissioners of Mobile and Talladega counties to levy taxes upon dogs.

The House bills —

Making appropriations for the fiscal year 1866 ;

To define the duties, and fix the liabilities of Express Companies, and imposing penalties ;

To arrest the spread of small pox ;

Were severally read twice, under a suspension of the constitutional rule, and referred to the Committee on Finance and Taxation.

The House bills—

To charter the National Savings Institution of Mobile ;

To incorporate the Deposit Savings Association of Mobile ;

To incorporate the Eutaw Savings Bank ;

Were severally read twice, under a suspension of the constitutional rule, and referred to the Committee on Banks and Banking.

Mr. Forney introduced a bill—

To aid the building of the South and North Alabama Rail Road ;

Which was read three times, under a suspension of the constitutional rule, and passed.

Yeas, 20 ; nays, 3.

YEAS—Messrs. President, Ashley, Barnes, Bell, Cooper, Edwards, Forney, Garrett, Huckabee, Jackson of Lauderdale, Jones, Kilpatrick, Montgomery, Moren, Powell of Macon, Powell of Tuscaloosa, Slaughter, Stansel, Sykes, and Woodliff—20.

NAYS—Messrs. Drake, Felder, and Foster—3.

The House bills—

To require the Attorney General to proceed against certain persons, and the Governor to take steps to recover property belonging to the State ;

To authorize the commissioners' courts of Autauga and Pickens counties, to issue treasury notes for certain purposes ;

Were read a third time and passed.

The House bill—

To amend section 3570 of the Code, so as to prevent the receipt of certificates of State witnesses in payment of fines and forfeitures ;

Was read a third time, and lost.

Yeas 12 ; nays 13.

YEAS—Messrs. Barnes, Bell, Cooper, Felder, Forney, Huckabee, Kilpatrick, Montgomery, Moren, Powell of Tuscaloosa, Stansel and Woodliff—12.

NAYS—Messrs. Ashley, Drake, Foster, Garrett, Jackson of Lauderdale, Jones, Lindsay, Norwood, Powell of Macon, Slaughter, Sykes, Winston and Wood—13.

The House bills—

For the relief of executors, administrators and guardians ;

For the relief of P. G. Nash, general administrator of Sumter county ;

Were severally read twice, under a suspension of the constitutional rule, and referred to the Committee on the Judiciary.

The House bills—

To incorporate the Mobile and Western Railroad Company ;

To incorporate the Mobile Medical Society ;

To extend the charter of the Banks of Alabama therein named ;

To legalize and authorize the further suspension of specie payment by the Bank of Selma ;

To define the powers of justices of the peace in the counties of Dallas and Pickens, and other counties ;

For the relief of the Fire Department of the City of Mobile ;

For the relief of the court of county commissioners of Macon county ;

To incorporate the Commercial Savings Company of Mobile ;

To provide for the location of the county site of the county of Conecuh ;

For the relief of Elizabeth Moriss ;

To relieve county superintendents and trustees of education ;

To authorize the court of county Commissioners of Marion county to issue treasury notes for certain purposes ;

Which were severally read three times, under a suspension of the constitutional rule, and passed.

The House bill—

To increase the pay of county commissioners and jurors in the county of Covington ;

Was read twice, under a suspension of the constitutional rule.

Mr. Ashley moved to amend by proviso, which was adopted.

Mr. Garrett moved to amend by inserting the county of Coosa after Covington, which was adopted.

And the bill was read a third time, under a suspension of the constitutional rule, and passed.

Message from the House by Mr. Fowler :

*Mr. President :*

The House has passed the Senate bill,

To authorize judges of probate to take and approve the bonds of Registers in Chancery.

The House concurs in the Senate amendment to the House bill,

To exempt certain property from levy and sale in the counties of Jackson, Marshall, Madison, Limestone, Lawrence, Franklin, and DeKalb.

The following veto message was received from the Governor by his private Secretary, Mr. Dalton :

EXECUTIVE DEPARTMENT, }  
Montgomery, February 21, 1866. }

*Gentlemen of the Senate :*

On Saturday, the 17th inst., a bill was placed in my hands which originated in the Senate, of the following title : "To incorporate the Greensboro Hotel Company." The fourth and fifth sections of the bill are in the following words : "Sec. 4. *Be it further enacted*, That said corporation may in the establishment and carrying on of their business, provide for and furnish to their guests wines and spirituous liquors as they may order, and may establish and keep a bar within said hotel, for the keeping and sale of the same, *Provided*, said corporators shall first obtain State and county license. Sec. 5. That all laws and parts of laws contravening the provisions of this act be *pro tanto* repealed."

These sections of the bill sustain a very important relation to the act of January 25, 1856, entitled "an act to incorporate the Southern University at Greensboro, in Greene county, and for other purposes." The 4th section of that act prohibits the sale of vinous or spirituous liquors within the corporate limits of Greensboro, or within five miles of the said corporate limits in any direction therefrom. The said section further provides that no license or permit shall hereafter be granted by any authority or power whatever in the county of Greene or any other county in this State, nor by any corporation or other body, to any person or persons to vend or or dispose of contrary to the provisions of this act, any spirituous liquors, wines, ale, beer, porter, or other intoxicating drinks, or beverage, simple or compound, from and after the said 1st day of March, 1857, and if any person or persons shall procure any such license, or permit it, shall from and after the said day, be utterly void and of no force whatever.

Here is a solemn stipulation entered into by the State with certain corporations who proposed to establish an institution

of learning. The University was to be under the immediate patronage of the Alabama Conference of the Methodist Episcopal Church South. Under the charter thus granted, funds were subscribed, buildings were erected, the University was endowed, and put into regular operation. It would, perhaps, be safe to assume that the prohibition of the sale of liquors within 5 miles of Greensboro, had a controlling influence with those who contributed funds to the institution.

Parents would very naturally suppose that a University within five miles of which the sale of intoxicating drinks was prohibited, would be free from many of the demoralizing allurements which often lead students into the path of dissipation.

It may perhaps be proper to remark that the constitutionality of the act incorporating the Southern University, particularly that portion of it, which prohibited the sale of liquors was tested in the Courts. In the case of *Dorman vs. The State*, it was brought before the Supreme Court, and that eminent and learned tribunal decided that the act was constitutional and valid.

In regard to the bill which is herewith returned, I do not deem it material to discuss the question of its constitutionality. Nor do I consider it important to inquire whether or not the 4th section of the act of January 25th, 1856, in prohibiting the citizens of Greensboro and vicinity from vending spirituous liquors, gave a vested right to the Trustees of the Southern University.

Independent of considerations of this character, there are other reasons in my judgment why this bill should not become a law.

When the Southern University was incorporated, the sale of intoxicating drinks within a prescribed limit, was distinctly prohibited. This was a contract duly entered into between the State and the Corporators. It may be indeed that the establishment and success of the University, resulted from this prohibition. At any rate, it may be reasonably presumed that the Trustees and pecuniary contributors considered it a great advantage that the sale of intoxicating spirits was prohibited in its vicinage. To deprive them of that advantage now, by a repeal or modification of any part of their charter, would in my opinion be at least an act of bad faith.

The 5th section of the bill proposes to repeal *pro tanto* all laws and parts of laws in conflict therewith. The legal effect of this repealing clause would be to give the proposed corporators of the Greensboro Hotel company, a complete monopoly of the sale of spirits within the district, covered by the act in-

corporating the Southern University. I do not think that the law should confer such a munificent privilege upon any individual or company, with the exclusive right to vend liquors within the prescribed limit. It would doubtless secure a ready subscription of stock to the amount of ten thousand dollars, which is the sum named in the bill, as necessary to enable the company to commence business. Even if the bill did not involve any infringement of the charter of the Southern University. I think that such an unwise monopoly should not be given to a single company. With all possible respect for the Legislative Department, I deem it a duty after a careful examination of the bill to return it to the Senate, without my approval.

R. M. PATTON,  
Governor of Alabama.

The question being on the passage of the bill, notwithstanding the veto of the Governor.

It was lost.

Yeas 1, nays 24.

YEAS—Mr. Drake—1.

NAYS—Messrs. President, Ashley, Bell, Cooper, Edwards, Felder, Forney, Foster, Garrett, Huckabee, Jackson, Jones, Kilpatrick, Montgomery, Moren, Norwood, Powell of Macon, Powell of Tuscaloosa, Slaughter, Stansel, Sykes, Winston, Wood and Woodliff—24.

The Senate then adjourned until 4 o'clock this afternoon.

#### AFTERNOON SESSION.

The Senate met pursuant to adjournment.

Message from the Governor by his private Secretary, Mr. Dixon :

*Mr. President :*

His Excellency the Governor has approved the following bills, which originated in the Senate :

To encourage immigration, and to protect immigrant labor;

To change the mode of appointing trustees of the University of Alabama ;

To legalize the issue of change bills put in circulation as money by the mayor, aldermen and common council of the city of Mobile, Selma, and M. & W. P. R. R.;

To prevent the sale of fermented, vinous, or other intoxicating liquors, at or within five miles of Mount Zion Church, at

Spring Hill, Macon Depot, Faunsdale Depot, and Pickens' Old Mill, in Marengo county ;

To authorize the Governor to have the capitol building covered or refitted ;

To change the location and place of business of the Woodville Insurance Company ;

To provide for the collection and settlement of balance due the State ;

To amend the 8th section of an act entitled an act to charter the Alabama Insurance Company, approved 8th February, 1856 ;

To declare Rosina Beck, of Mobile county, a free dealer ;

To declare Elizabeth Harris, wife of Matthew Harris, of Chambers county, a free dealer ;

For the relief of W. S. Barton ;

To provide for taking the census of the State of Alabama for the year 1866, as ordered by ordinance of the convention, 1865 ;

For the relief of Pyramus C. Winn, of the county of Perry and to permit him to marry ;

To repeal an act to empower the probate judge of the county of Madison to grant letters of administration upon the estate of John Geron, approved January 18, 1866 ;

To incorporate the Tallassahatchee Lead Mining Company of Calhoun county, Ala. ;

To legalize the issue of change bills by authority of the city council of Montgomery, and for other purposes ;

To release the right of the State to escheat the estate of Harriet Stokes, deceased, late of Madison county, in favor of Worley White ;

To declare Centre Bogue Creek, in Washington county, from its mouth on the Tombigbee river to Donaldson's bridge, a public highway ;

To repeal section 917 of the Code, relative to pilotage, and all the acts amendatory thereof, and to increase the pay of pilots in the bay or harbor of Mobile ;

To incorporate the Medical College of Greenville, Alabama ;

To incorporate the town of Lowndesboro, in Lowndes county, and to amend the charter of the town of Hayneville ;

To amend an act entitled an act to amend the charter of the Opelika and Talladega Railroad Company, approved Nov. 9, 1861.

A message from the House by Mr. Fowler :



*Mr. President :*

The House of Representatives has originated and passed the bills—

To authorize the Governor to issue and sell state bonds, to aid the indigent and needy of the State ;

To appoint an agent to superintend the Salt Springs and land belonging to the State, and to take charge of all the property therein, and settle all accounts with former agents and other persons.

The House has rejected the Senate bill—

To establish a new county, to be called the county of Crenshaw.

The House has passed the Senate bill—

To incorporate the Orphans Home Association.

The House has originated and passed a bill—

To authorize the Governor of this State to make settlement with the representatives of the estate of E. McGehee for hire of negroes at State Salt Works, from 1st of January, 1865, to the 13th April ;

And concurs in the amendments of the Senate to the House bill—

To exempt certain property from levy and sale, for the use of every family in the counties of Jackson, Marshall, Madison, Limestone, Lawrence, Franklin and DeKalb.

Mr. Cooper, from the Committee on Finance and Taxation, reported adversely to the House bill—

To arrest the spread of small pox ;

Which was concurred in.

Mr. Felder, from the Judiciary Committee, reported favorably to the bill—

To authorize the chancery court to adjudicate claims against the estate of deceased persons, and other estates held in trust.

Mr. Powell, of Tuscaloosa, moved to lay the bill on the table ;

Which was lost,

And the bill was read a third time, under a suspension of the constitutional rule, and passed.

Mr. Stansel, from same committee, reported favorably to the House bill—

For the relief of G. P. Nash, general administrator of Sumter county.

Mr. Powell, of Tuscaloosa, moved to lay the bill on the table ; which was lost ;

And the bill was read a third time, under a suspension of the constitutional rule, and passed.

Mr. Jones, from the same committee, reported favorably to the House bill—

For the relief of executors, administrators and guardians ;

Mr. Sykes, from the Committee on Banks and Banking, reported favorably to the House bill—

To charter the National Savings Institution of Mobile ;

Mr. Sykes, from the same committee, reported favorably to the House bill—

To incorporate the Deposit Savings Association of Mobile ;

All of which were severally read a third time, under a suspension of the constitutional rule, and passed.

Mr. Huckabee, from the same committee, reported favorably to the House bill—

To incorporate the Eutaw Savings Bank,

With amendments thereto, which were adopted ;

And the bill read a third time, under a suspension of the constitutional rule, and passed.

Mr. Forney, from the Military Committee, to which was referred a resolution, instructing the committee to prepare a bill to pay the State militia for the time they are in the actual service of the State,

Reported, that, it was inexpedient at this time to make any appropriation, and asked to be discharged from its further consideration.

The report was concurred in, and the committee discharged.

Mr. Garrett, from Committee on Finance and Taxation, reported favorably to the House bill—

Making for the fiscal year ending on the 30th day of September, 1866,

With the following amendments :

1st. In line 24, section 1, strike out "four" and insert "three."

2d. In line 23, strike out "eight" and insert "six."

3d. In the 40th line, strike out the words "two hundred and twenty-five," and insert "one hundred and fifty."

4th. In the 45th line, strike out "eight" and insert "six ;" also, strike out all of said paragraph after the word "day," and insert the words, "for every day employed as such."

5th. Add additional section as section 3.

The amendments were adopted, *seriatim*, and the bill read a third time, under a suspension of the constitutional rule, and passed.

Mr. Powell, of Macon, reported adversely to the bill;

To authorize the purchase of 75 copies of "A Compilation of the Chancery Rules," by Geo. P. Keyes;

Which was concurred in.

The Senate proceeded to consider the special order, it being the following resolution, offered by Mr. Garrett :

*Resolved*, That the Senate confirm the appointment of Warden and Inspector of the Penitentiary, made by the Governor, and submitted to the Senate for ratification, subject to the contingency of leasing the said Penitentiary.

The substitute was adopted.

Yeas, 22 ; nays, 3.

YEAS—Messrs. President, Ashley, Barnes, Bell, Cooper, Drake, Edwards, Forney, Garrett, Huckabee, Jones, Kilpatrick, Lindsay, Montgomery, Moren, Norwood, Powell of Macon, Powell of Tuscaloosa, Stansel, Sykes, and Winston—22.

NAYS—Messrs. Felder, Foster, and Jackson of Lauderdale—3.

The House bill—

To authorize the Governor to issue and sell State bonds, to aid the indigent and needy people of the State ;

Was read three times, under a suspension of the constitutional rule, and passed.

Yeas, 24 ; nays, 1.

YEAS—Messrs. President, Ashley, Barnes, Bell, Cooper, Drake, Edwards, Felder, Forney, Foster, Garrett, Huckabee, Jones, Kilpatrick, Lindsay, Montgomery, Moren, Powell of Tuscaloosa, Slaughter, Stansel, Sykes, Winston, and Wood—24.

NAYS—Messrs. Jackson of Lauderdale—1.

Mr. Barnes introduced a bill—

Supplementary to an act to regulate Judicial proceedings ;  
Which was read a first time.

Mr. Sykes moved to lay the bill on the table.

Which was lost.

Yeas, 7 ; nays, 13.

YEAS—Messrs. Drake, Edwards, Foster, Jones, Lindsay, Sykes, and Wood—7.

NAYS—Messrs. Barnes, Bell, Cooper, Felder, Forney, Garrett, Huckabee, Jackson of Lauderdale, Kilpatrick, Montgomery, Moren, Powell of Tuscaloosa, and Stansel—13.

Mr. Barnes moved to suspend the constitutional rule, to give the bill a second reading forthwith ;

Which was lost.

Yeas, 15 ; nays, 8—four-fifths not voting to suspend.

YEAS—Messrs. Barnes, Bell, Cooper, Felder, Garrett, Huckabee, Jackson of Lauderdale, Kilpatrick, Montgomery, Moren, Powell of Macon, Powell of Tuscaloosa, Slaughter, and Stansel—15.

NAMES---Messrs. Drake, Edwards, Foster, Jones, Lindsay, Norwood, Sykes, and Wood---8.

The bill was ordered to a second reading.

The Senate then adjourned until to morrow morning, 10 o'clock.

THURSDAY, February 22.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Jordan.

Message from the House by Mr. Fowler:

*Mr. President:*

The House has originated and passed the following bills:

To regulate the redemption of lands heretofore sold for taxes;

To regulate the pay of jurors for the counties of Bibb, Coffee, and Jackson;

To incorporate the trustees of Lawrence Lodge, No. 248.

To authorize the commissioners' court of Coffee county to issue treasury notes.

Message from the Governor by his private Secretary, Mr Dixon:

*Mr. President:*

His Excellency, the Governor, has approved the following bills, which originated in the Senate:

To authorize the probate court of Calhoun county to grant an order to the executor of the estate of Peter Block, deceased, to sell at private sale uncurrent bank notes;

To establish the Cane Brake Agricultural District, to provide for the securing of the same and the management of its affairs;

To declare Cornelia Moore a free dealer;

To incorporate the Mobile Manufacturing Company;

To amend the 1st clause of section 711 of the Code, so as to extend the civil jurisdiction of justices of the peace to one hundred dollars;

To regulate the office of Attorney General;

To incorporate the Alabama Mutual Fire Insurance Company;

To authorize the commissioners' court of Pike county to issue treasury notes to pay for the building of bridges, enlarging and repairing the court house and jail, and for other purposes:

To amend the charter of the city of Montgomery to extend certain bonds due by the city for building State House ;

To authorize Catherine Hughes, as administratrix of the estate of Joseph Hughes, late of Cherokee county, deceased, to keep the estate of her said husband together, with power to sell the personal effects at public or private sale, and for other purposes ;

For the relief of Elizabeth alias Eliza Pizzala ;

To regulate the cost of revenue stamps in suits at law ;

To authorize the courts of county commissioners of Lowndes county to borrow money and levy a special tax for repayment thereof, and for other purposes ;

To obviate technical objections to the *venire* in the trial of capital offenses ;

To amend section 1961 of the Code of Alabama in relation to divorce and alimony ;

To incorporate the society in the city of Mobile called the "Fidelia ;"

To authorize the court of county commissioners of Marengo county to levy a special tax to build and repair bridges in said county, or to issue county treasury notes, for that purpose ;

To incorporate the Mobile Fire Department Insurance Company, of Mobile ;

To authorize appeals from the Probate Court ;

To authorize the renting of lands of Charles Mitchell, a minor, by private contract ;

To relieve the people of the State from the payment of certain taxes ;

To repeal an act to amend an act to authorize Seth Love and William Wilburn to erect a wharf on the Chattahoochee river, in the town of Irwinton, Barbour county, approved January 1, 1841 ;

To incorporate Pleasant Grove Methodist Episcopal Church South, in the county of Coosa, and to restrict the sale of ardent spirits within one half mile of the same ;

To extend the jurisdiction of the courts of chancery in the settlement of insolvent estates ;

To repeal articles II. and III., of chapter 4, title 13, part the 1st of the Code of Alabama, and sections 3287 and 3289.

A message from the House of Representatives, by Mr. Fowler :

*Mr. President :*

The House of Representatives has unanimously concurred in

the report of the joint select committee of the two Houses, appointed—

To inquire into the political and social condition of Alabama, And has adopted unanimously—

Joint resolutions of the General Assembly of the State of Alabama, on the State of the Union,

As reported by the committee, and adopted by the Senate.

For the relief of plaintiffs ;

Mr. Ashley, a bill for the relief of Stephen K. Cushen, of Covington county ;

Mr. Powell, of Macon, a bill to make Mrs. A. D. Sanford, wife of Daniel Sanford, of Macon county, a free dealer ;

Mr. Slaughter, a bill for the relief of James B. Berry, of Tallapoosa county ;

All of which were severally read three times, under a suspension of the constitutional rule, and passed.

Message from the House by Mr. Fowler :

*Mr. President :*

The House of Representatives has amended, as therein shown, and passed the Senate bills—

To amend an act to incorporate the Selma Savings Company, approved December 10, 1864 ;

And has passed, without amendment, the Senate bills

To incorporate the American and Brazilian Steamship Company ;

To incorporate the Mississippi Valley Company ;

To alter and amend an act to incorporate the town of Union Springs, in Macon county ;

To incorporate the Warrior Petroleum Company ;

To amend the charter of the Central City Insurance Co. ;

To repeal the 3d section of an act to incorporate the Brundridge Male and Female Academy ;

To incorporate the Selma and Montgomery Navigation Co. ;

To incorporate the Georgia and Alabama Petroleum Mining and Manufacturing Company ;

To incorporate the Alabama Lumber and Manufacturing Co. ;

To incorporate the Alabama and Mississippi Oil and Mining Company.

The House bills—

To incorporate the trustees of Lawrence Lodge, No. 248 ;

To authorize the commissioners' court of Coffee county to issue treasury notes ;

To incorporate the Mobile and Alabama Grand Trunk Rail Road Company ;

To regulate the redemption of land heretofore sold for taxes ;

To appoint an agent to superintend the Salt Springs and lands belonging to the State, and to take charge of all property of the State, and settle all accounts with former agents and other persons ;

For the relief of the indigent of the people of Shelby Co. :

Were severally read three times, under a suspension of the constitutional rule, and passed.

The Senate concurred in the amendments of the House to the Senate bills,

To incorporate the Montgomery Savings Association;

To amend an act to incorporate the Selma Savings Company. approved December 10, 1864.

Mr. Garrett, from the Committee on Finance and Taxation, reported adversely to the bill,

To authorize the Governor to lease the penitentiary, as the objects of the bill were provided for in bills already passed.

The report was concurred in, and the committee discharged.

The House bill,

To regulate the redemption of lands heretofore sold for taxes,

Was read twice, under a suspension of the constitutional rule, and referred to the Judiciary Committee.

The House bill,

To authorize the Governor to make settlement with the estate of E. McGehee, for the hire of negroes at State salt works, from January 1st, 1865,

Was read twice, under a suspension of the constitutional rule, and—

On motion of Mr. Garrett, its further consideration was indefinitely postponed.

Mr. Powell, of Macon, moved to reconsider the vote refusing to pass the House bill,

To amend section 3570 of the Code, so as to prevent the receipt of certificates of State's witnesses in payment of fines and forfeitures ;

Mr. Lindsay moved to lay the motion on the table;

Which was lost. Yeas 12, nays 15.

YEAS—Messrs. Ashley, Drake, Edwards, Foster, Garrett, Jackson of Lauderdale, Jones, Lindsay, Norwood, Slaughter, Sykes, and Wood—12.

NAYS—Messrs. President, Barnes, Bell, Cooper, Felder, Forney, Huckabee, Kilpatrick, Montgomery, Moren, Powell of Macon, Powell of Tuscaloosa, Stansel, Winston and Woodliff—15.

The question being on reconsidering, it was put and lost. Yeas 13, nays 14.

YEAS—Messrs. President, Barnes, Cooper, Felder, Forney, Huckabee, Kilpatrick, Montgomery, Moren, Powell of Macon, Powell of Tuscaloosa, Stansell, and Woodliff—13.

NAYS—Messrs. Ashley, Bell, Drake, Edwards, Foster, Garrett, Jackson of Lauderdale, Jones, Lindsey, Norwood, Slaughter, Sykes, Winston and Wood—14.

Mr. Powell, of Macon, introduced a bill,

To authorize divorces for continuous insanity;

Which was read a first time, and the Senate refused to order the bill to a second reading.

The bill supplementary to an act to regulate Judicial Proceedings;

Was read a second time, and ordered to a third reading.

Message from the Governor by his private Secretary, Mr. Dixon:

*Mr. President:*

His Excellency, the Governor, has approved the following bills, which originated in the Senate:

To incorporate the Coosa Petroleum and Mining company;

To incorporate the Tallapoosa Water Power and Manufacturing company;

To authorize executors, administrators, guardians, and Trustees, to compromise;

In relation to the real estate of John McCrary;

To incorporate the Coosa Valley Oil and Mining company;

To enlarge the powers of the Town Council of Cahaba;

To incorporate the Union Savings Association.

The Senate then adjourned until this afternoon 4 o'clock.

#### AFTERNOON SESSION.

The Senate met pursuant to adjournment.

Message from the House by Mr. Fowler.

*Mr. President:*

The House has amended as therein shown, and passed the Senate bills:

To incorporate the Franklin Oil and Mining company;

To reorganize and fix the times of holding the Courts of Chancery in the Middle Chancery Division.

The House has passed without amendment the Senate bills:

For the relief of Rebecca Carson, of Bibb, county;



For the relief of Wm. Johnson, of Tuscaloosa ;  
 For the relief John Callahan ;  
 For the relief of Allen J. Driver, former Jailer of Chambers  
 county ;

To pay Messrs. Stone and Henry for printing ;  
 For the relief of J. Davidson & Co., of Montgomery ;  
 For the relief of Abner Killough, late Sheriff of Jefferson  
 county ;

To compensate D. J. Bunting ;  
 For the relief of A. Strassburger ;  
 For the relief B. W. Young, late Sheriff of Montgome-  
 ry county ;

For the relief of W. B. & A. R. Bell & Co. ;  
 To provide for paying the expenses of the Inauguration of  
 the Governor.

The House has rejected the Senate bills :

For the relief of James B. Farmer, late Sheriff of Calhoun  
 county ;

To appropriate \$114 to C. A. Spangenburg ;

For the relief of John G. Harvey, of the county of Greene.

The House has originated and passed the following bills—

To incorporate the Stonewall Institute, in Perry county ;

To authorize the incorporation of companies for improving  
 burial grounds ;

To incorporate the Mobile Gas Light and Coke Compa-  
 ny ;

To incorporate the town of Ozark, in Dale county ;

To incorporate the Alabama and North-western Oil Com-  
 pany ;

To revive an act incorporating the Mobile and Three Mile  
 Creek Plank Road Company ;

For the relief of Thomas T. McCorkle, late tax-assessor of  
 Lauderdale county ;

To incorporate the Wills Valley Mining and Manufacturing  
 Company.

The Senate concurred in the House amendments to the Sen-  
 ate bills,

To incorporate the Franklin Oil and Mining Company ;

To reorganize and fix the times of holding the Courts in the  
 Middle Chancery Division.

Message from the House of Representatives by Mr. Fowler :

*Mr. President :*

The House has originated and passed the following bills—

To authorize the Governor to make settlement with Lehman & Bro., for wire purchased in 1864 and 1865 ;

To amend an act to incorporate the Factors and Grocers Marine & Fire Insurance Company of Mobile, approved December 4, 1863 ;

To incorporate the Planters Insurance Company ;

For the relief of Edward H. Ustick, jailor of Sumter county.

The House bills,

To authorize the incorporation of companies for improving burial grounds ;

To incorporate the Mobile Gas Light and Coke Company ;

To revive an act to incorporate the Mobile & Three Mile Creek Plank Road Company ;

To incorporate the Alabama & North Western Oil Company ;

To incorporate the town of Ozark, in Dale county ;

To incorporate the Wills Valley Mining and Manufacturing Company ;

To incorporate the Stonewall Institute, in Perry county ;

Were severally read three times, under a suspension of the constitutional rule, and passed.

Message from the House by Mr. Fowler :

*Mr. President :*

The House of Representatives has originated and passed a bill,

To incorporate the New Orleans and Selma Railroad company ;

The House bill—

To incorporate the Planters Insurance company ;

Was read and laid on the table.

Also, the House bill—

For the relief of Edward H. Ustick, Jailor of Sumter county.

The House bill—

For the relief of Thomas T. McCorkle, late Tax Assessor of Lauderdale county ;

Was read twice, under a suspension of the constitutional rule, and laid on the table.

On motion by Mr. Lindsay, the bill was taken from the table ;

And on motion by Mr. Garrett, its consideration was indefinitely postponed.

Mr. Moren introduced a bill to provide for assistance in the Treasurer's office, in certain cases ;

Which was read three times, under a suspension of the constitutional rule, and passed.

Mr. Edwards from the committee on County Boundaries, to which was referred sundry petitions, praying the establishment of certain new counties, reported them back to the Senate and asked to be discharged from their further consideration.

The committee were discharged.

The House bill—

To incorporate the New Orleans and Selma Railroad company,

Was read three times, under a suspension of the constitutional rule, and passed.

Mr. Cooper, from the committee on Finance and Taxation, reported adversely to the House bill,

To define the duties and fix the liabilities of Express companies, and imposing penalties ;

The report was concurred in.

Mr. Jones, from the committee on Enrolled Bills, reported the following as correctly enrolled :

For the relief of Wm. Johnson of Tuscaloosa ;

To authorize the Comptroller to settle with the Bank of Selma ;

To fix the amount of printing to be done for the State and the compensation for the same ;

To repeal an act to repeal an act to direct the binding of certain copies of the acts of the General Assembly, approved February 15, 1854,

Requiring the Secretary of State to have printed certain acts therein named ;

To amend the 10th section of an act incorporating the Northern Bank of Alabama, approved 10th February, 1852, referring to Directors ;

To authorize the Memphis and Charleston Railroad Company to raise money to repair said railroad ;

To incorporate the Selma and Montgomery Navigation Company ;

For the relief of Rebecca Carson, of Bibb county ;

To incorporate the Montgomery Savings Association ;

To repeal the 3d section of an act to incorporate the Brundridge Male and Female Academy ;

To amend the charter of the Central City Insurance Company ;

To incorporate the Warrior Petroleum Company ;

To alter and amend an act to incorporate the town of Union Springs, in Macon county ;

Joint resolutions of the General Assembly of the State of Alabama, on the state of the Union ;

To incorporate the Empire Oil and Mining Company ;

To incorporate the Georgia and Alabama, Petroleum Mining and Manufacturing company ;

To amend an act to incorporate the Selma Savings Company, approved December 10, 1864 ;

For the relief of John Callahan ;

To provide for paying the expenses incurred in the inauguration of the Governor ;

To incorporate the American and Brazilian Steamship Company ;

To incorporate the Mississippi Valley Company ;

To incorporate the Alabama Lumber and Manufacturing Company ;

To compensate D. J. Bunting, for wood furnished the State Capitol ;

To incorporate the Talladega Petroleum and Mining Company.

The House bill—

To incorporate the Governor to make settlement with Lehman & Bro., for wire furnished in 1864 and 1865,

Was read a first time, and laid on the table.

The Senate then adjourned until to-morrow morning, 10 o'clock.

FRIDAY, February 23.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Jordan.

Mr. Jones, from the Committee on Enrolled Bills, reported the following as correctly enrolled:

To incorporate the Pioneer Petroleum and Mining Company of Alabama ;

To incorporate the Franklin Oil and Mining Company ;

To reorganize and fix the times of holding the chancery courts in the middle chancery division ;

For the relief of B. W. Young, late Sheriff of Montgomery county ;

For the relief of Abner Killough, late sheriff of Jefferson county ;

For the relief of John Callahan, of Montgomery ;

For the relief of A. Strassburger, of Montgomery ;

- To pay Messrs. Stone & Henry for printing ;
- For the relief of J. Davidson & Co., of Montgomery ;
- For the relief of W. B. and A. R. Bell & Co. ;
- To incorporate the Labor Regulating Association of Clarke county ;
- To allow W. T. Hatchett and Jared Bates to establish ferries across the Tallapoosa river.

Message from the House by Mr. Fowler :

*Mr. President :*

The House has passed the following Senate bills—

To make Mr. A. D. Sanford, wife of Daniel Sanford, of Macon county, a free dealer ;

To compensate the Pages of the Houses for certain services rendered ;

For the relief of plaintiffs ;

To change the terms of the city court of Selma ;

To amend section 169, of the Code.

Mr. Jones, from the Committee on Enrolled Bills, reported the following as correctly enrolled :

To make A. D. Sanford, wife of Daniel Sanford, of Macon county, a free dealer ;

To compensate the Pages of the two Houses for certain services rendered ;

For the relief of plaintiffs ;

To change the terms of the city court of Selma ;

To amend section 169, of the Code ;

To incorporate the Mississippi and Alabama Oil and Mining Company ;

Message from the House by Mr. Fowler ;

*Mr. President :*

The House has adopted the following resolution :

*Resolved*, That (with the concurrence of the Senate) the resolution requiring the two Houses to adjourn at 12 m. on this day, be rescinded, and the two Houses will adjourn at such time on the day or night, as the business of the General Assembly will permit.

The House has originated and passed a bill—

To compensate S. B. Brewer for extra services.

The House concurs in the Senate amendment to the House bills—

To incorporate the Eutaw Savings Bank ;

To authorize and require the Comptroller of Public Accounts to draw his warrant on the State Treasury, in favor of the several Probate Judges for administering, transcribing and filing amnesty oaths.

The House has originated and passed the following bills:

To incorporate the Beinville Water Works company for the city of Mobile;

To incorporate the Bienville Gas Light company, for the city of Mobile;

For the relief of A. H. Slaughter, of the county of Tallapoosa.

Message from the Governor by his private Secretary Mr. Dixon :

*Mr. President:*

His Excellency the Governor has approved the following bills, which originated in the Senate :

To incorporate the Empire Oil and Mining company;

To incorporate the Alabama Lumber and Manufacturing company;

To alter and amend an act to incorporate the town of Union Springs in Macon county;

To incorporate the Warrior Petroleum company;

To amend the charter of the Central City Insurance company;

To repeal the 3d section of an act to incorporate the Brundridge Male and Female Academy;

Joint resolutions of the General Assembly on the State of the Union;

For the relief of Rebecca Carson of Bibb county;

For the relief Wm. Johnson of Tuscaloosa county;

To incorporate the Selma and Montgomery Navigation company;

To amend an act to incorporate the Selma Savings company, approved December 10, 1864;

To incorporate the American and Brazilian Steam Ship company;

To provide for the paying of expenses incurred in the Inauguration of the Governor;

To incorporate the Montgomery Savings Association;

To allow Wm. T. Hatchett and Jared Bates to establish Ferries across the Tallapoosa river;

To incorporate the Mississippi Valley company;

To incorporate the Talladega Petroleum and Mining company;

To incorporate the Labor Regulating Association of Clarke county ;

To incorporate the Georgia and Alabama Petroleum, Mining and Manufacturing company ;

For the relief of Allen J. Driver, former Jailor of Chambers county ;

For the relief of B. W. Young, late Sheriff of Montgomery ;

Mr. Lindsay introduced a bill to incorporate the Cahaba Coal company ;

Which was read three times, under a suspension of the constitutional rule, and passed.

On motion of Mr. Barnes,

*Resolved*, (the House concurring,) That the resolution of the two Houses to adjourn this day at 12 o'clock, m., be, and is hereby rescinded, and that the two Houses will adjourn *sine die* this afternoon, 5 o'clock.

Mr. Moren introduced a bill,

To save the State from the expense of publishing charters of private corporations, or amendments of such charters ;

Which was read three times, under a suspension of the constitutional rule, and passed.

A message was received from the House of Representatives, by Mr. A. B. Clitherall,

Announcing that the House concurs in the resolution of the Senate, proposing that the two Houses adjourn *sine die*, this afternoon at 5 o'clock.

Message from the House of Representatives by Mr. Fowler :

*Mr. President :*

The House of Representatives has passed without amendment the following Senate bills :

To allow appeal by consent from interlocutory decrees on motion to dismiss bills for want of equity, and from interlocutory judgments or matters set up in abatement, or for the purpose of quashing or dismissing in attachment cases ;

To declare Exa M. Brown, wife of Henry H. Brown, of Chambers county, a free dealer ;

To provide for assistance in the Treasurer's Office in certain cases ;

For the relief of James B. Berry, of Tallapoosa county ;

To incorporate the Tallapoosa Savings Association.

On motion by Mr. Garrett,

*Resolved*, That the thanks of the Senate are due to the Hon. Walter H. Crenshaw, for the able, dignified and impartial manner in which he has presided over its deliberations during the present session.

On motion by Mr. Barnes :

*Resolved*, That the thanks of the Senate are hereby tendered to the Secretary, Assistant Secretary and Door-Keeper for their promptness and faithfulness in the discharge of their respective duties during the session.

2. *Resolved*, That the thanks of the Senate are due the Reporters of the Mail and Advertiser newspapers for the faithful reports of the two houses during the session.

3d. *Resolved*, That the members of the Senate hereby attest their appreciation of the mutual good feelings, and courtesy, that have characterized their conduct and deliberation among themselves during the present session.

The House bills—

To incorporate the Bienville Gas Light company of the city of Mobile ;

To compensate S. B. Brewer for extra services ;

To incorporate the Bienville Water Works Company of Mobile ;

For the relief of A. H. Slaughter, of Tallapoosa county ;

Were severally read a third time, under a suspension of the constitutional rule, and passed.

On motion by Mr. Foster,

The House bill—

For the relief of Edward H. Ustick, jailor of Sumter county,  
Was taken from the table,

And the bill read a third time, under a suspension of the constitutional rule, and passed.

On motion by Mr. Moren,

The House bill—

To incorporate the Planter's Insurance Company,

Was taken from the table, and the bill read a third time, and passed.

Mr. Jones, from the Committee on Enrolled Bills, reported the following as correctly enrolled :

To allow appeals by consent from interlocutory decrees, on notices to dismiss bills for want of equity, and from interlocutory judgments on matters set up in abatement, or for the purpose of quashing or dismissing in attachment cases ;

For the relief of James B. Berry, of Tallapoosa county ;

To declare Exa M. Brown, wife of Henry H. Brown, of Chambers county, a free dealer ;



To provide for assistance in the Treasurer's Office in certain cases ;

To incorporate the Tallapoosa Savings Association.

Message from the Governor by his private Secretary, Mr. Dixon :

*Mr. President :*

His Excellency the Governor has approved the following bills, which originated in the Senate :

For the relief of W. B. & A. R. Bell & Co. ;

To compensate D. J. Bunting, for wood furnished the State Capitol ;

To make Mrs. A. D. Sanford, wife of Daniel Sanford, of the county of Macon, a free dealer ;

For the relief of plaintiffs ;

To incorporate the Mississippi and Alabama Oil and Mining Company ;

For the relief of A. Strassburger, of Montgomery ;

To compensate the Pages of the two Houses for certain services therein named ;

To provide for assistance in the Treasurer's Office in certain cases ;

To change the terms of the city court of Selma ;

To reorganize and fix the terms of holding the courts of chancery in the middle chancery division ;

To incorporate the Franklin Oil and Mining Company ;

To pay Messrs. Stone & Henry, for printing ;

For the relief of John Callahan, of Montgomery ;

For the relief of Abner Killough, late sheriff of Jefferson county ;

To fix the amount of printing to be done for the State, and the compensation for the same.

A message from the House of Representatives by Mr. Fowler:

*Mr. President :*

The House of Representatives has passed the following Senate bills :

For the relief of executors, administrators, guardians and trustees ;

To incorporate the Tennessee and Alabama Mining and Manufacturing Company.

The House has originated and passed a bill :

For the relief of Josiah Daniel,

And ordered the same forthwith to the Senate, without being engrossed.

The Senate then adjourned until this afternoon, 4 o'clock.

#### AFTERNOON SESSION.

The Senate met pursuant to adjournment.

Mr. Jones, from the Committee on Enrolled Bills, reported the following as correctly enrolled :

To incorporate the Cahaba Coal Mining Company ;

To incorporate the Tennessee and Alabama Mining and Manufacturing Company ;

For the relief of executors, administrators, guardians and trustees ;

For the relief of James B. Berry, of Tallapoosa county ;

To declare Exa M. Brown, wife of Henry H. Brown, of Chambers county, a free dealer.

Mr. Barnes introduced a bill—

To render all persons competent to testify in open court on oral examination, without distinction of race or color ;

Which was read twice, under a suspension of the constitutional rule, to give the bill a third reading forthwith.

On motion by Mr. Barnes,

The bill was laid on the table.

The House bill—

For the relief of Josiah Daniel,

Was read three times, under a suspension of the constitutional rule, and passed.

Message from the Governor by his private Secretary Mr. Dixon :

*Mr. President :*

His Excellency, the Governor, has approved the following bills, which originated in the Senate :

To authorize the chancery court to adjudicate claims against the estates of deceased persons, and other estates, held in trust ;

To allow appeals by consent from interlocutory decrees on motions to dismiss bills for want of equity, and from interlocutory judgments, on matters set up in abatement, or for the purpose of quashing or dismissing in attachment cases ;

To incorporate the Pioneer Oil and Mining company of Alabama ;

For the relief of John Callahan ;

To authorize the Comptroller to settle with the Bank of Selma ;

Requiring the Secretary of State to have printed certain acts ;

To amend the 10th section of an act to incorporate the Northern Bank of Alabama, approved 10th February, 1852, referring to Directors ;

To repeal an act to repeal an act to direct the binding of certain copies of the acts of the General Assembly, approved February 15, 1854 ;

To define the relative duties of Master and Apprentice ;

For the relief of Executors, Administrators, Guardians and Trustees ;

To incorporate the Tallapoosa Savings Association ;

To declare Exa M. Brown, wife of Henry H. Brown, of Chambers county, a free dealer.

To incorporate the Cahaba Coal company ;

For the relief of James B. Berry of Tallapoosa county ;

To incorporate the Tennessee and Alabama Mining and Manufacturing company.

On motion by Mr. Powell, of Tuscaloosa :

*Resolved*, That a joint committee of three be appointed on the part of each House to wait upon the Governor and inform him that the two Houses had finished the business before them, and were now ready to adjourn *sine die*, unless he had some further communication to make ;

Messrs. Powell, of Tuscaloosa, Kilpatrick, and Powell, of Macon, were appointed the committee on the part of the Senate.

A message was received from the House, by Mr. A. B. Clitherrall, announcing that the House concurred in the above resolution of the Senate, and that

Messrs. Monroe, Gibson and Frazer, were appointed the committee on the part of the House.

Mr. Powell, of Tuscaloosa, from the committee appointed to wait upon the Governor ;

Reported, that His Excellency the Governor had no further communication to make, and His Excellency took this occasion to return his sincere thanks for the kindness and courtesy extended towards him by both branches of the General Assembly.

Mr. Sykes moved that the Senate do now adjourn *sine die*, Which was carried.

Mr. President arose from his chair and said, "Senators ! For the present our labors have terminated, and the time for our

separation is at hand. Three months ago, we assembled in this chamber, under peculiar circumstances ; our State, together with her sister States of the South, after four years of a very devastating war, had failed to establish an independent government. With this failure the institution of slavery ceased to exist. Our laws, customs and habits, for generations back, were intimately blended and interwoven with this institution. Hence, the necessity of making many radical changes to adapt ourselves to our new condition. This has been a difficult task, and we may have fallen short of the expectations of our constituents ; but, then, let it be remembered that we occupy an anomalous position—not altogether a subjugated province, nor yet a State restored to all its functions under the Constitution of the United States.

An empty treasury and large demands against the State made it our duty to demand of an exhausted constituency a tax which, in other and better times, would be considered heavy, but at this time peculiarly so. I think, however, I know the people of Alabama too well not to say for them that they will cheerfully bear all burthens necessary to save the plighted honor of the State. The embarrassed condition of many of our people has induced the Legislature, in its wisdom, to pass a law extending indulgence to debtors. This is always a delicate subject of legislation, but it is to be hoped that this law will work beneficially to the people. In all our laws we have endeavored to shape our legislation in strict accordance with the Constitution of the State and the United States, and to oppress no class of our people. We have gone further. We have recognized the fact that, with the fall of Southern Independence, African slavery was extinguished, and have ratified an amendment to the Constitution of the United States, prohibiting it forever. Still we have not been restored to our full rights and privileges as a State of the Union. When and how that much desired event will take place, time only can develop. Perhaps, when we meet again, it will be under the protecting ægis of the stars and stripes, the flag of the nation, unrestrained by Federal bayonets, or officers of the Freedmen's Bureau.

Our intercourse has been pleasant, and many attachments have been formed which will be severed only with death. With many years of legislative experience, I can say with sincerity, that I have never before been associated with a body of men so universally polite, kind and affable to each other.

As your presiding officer, I have endeavored to discharge the duties assigned me with impartiality and to the best of my ability. I feel under many obligations to this body for the aid

they have given me, and I tender you my sincere thanks for the flattering manner in which you have been pleased to express your appreciation of my services in the resolution on my desk. I now bid you all an affectionate farewell, with the fervent prayer, that we may meet again in this Hall next November under auspices that will enable us to render the State and the country efficient service.

WALTER H. CRENSHAW,  
President of the Senate.

Attest :

MICAH TAUL,  
Secretary of the Senate.

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